

**Agenda****Environmental Protection  
Commission**

June 15, 1998

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

**Public Participation**

10:30 A.M.

**Agenda topics**

- |     |  |                                  |
|-----|--|----------------------------------|
| 1.  | Approve Agenda   |                                  |
| 2.  | Approve Minutes of May 18, 1998  |                                  |
| 3.  | Director's Report  | Larry Wilson (Information)       |
| 4.  | Monthly Financial Status Report  | Stan Kuhn (Information)          |
| 5.  | FY 2000/2001 Budget Request  | Stan Kuhn (Information)          |
| 6.  | Emergency Rule--Chapter 217, Waste Tire End-User Incentive Program             | Roya Stanley ( <b>Decision</b> ) |
| 7.  | Contact Approval - DeVoe Waste Tire Stockpile Abatement Project                | Roya Stanley ( <b>Decision</b> ) |
| 8.  | Landfill Alternatives Financial Assistance Program Contract                    | Roya Stanley ( <b>Decision</b> ) |
| 9.  | Monthly Reports  | Allan Stokes (Information)       |
| 10. | Contract for Voluntary State Operating Permits for Air Emission Sources        | Allan Stokes (Information)       |
| 11. | Interagency Agreement - Linn County Air Quality Program                        | Allan Stokes ( <b>Decision</b> ) |
| 12. | Interagency Agreement - Polk County Air Quality Program                        | Allan Stokes ( <b>Decision</b> ) |
| 13. | Interagency Agreement - Dept. of Economic Development - Small Business Liaison | Allan Stokes ( <b>Decision</b> ) |

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- |                |   |   |
|----------------|---|---|
| 14.            | Interagency Agreement - University of Iowa (UHL) - Laboratory Certification Program | Allan Stokes ( <b>Decision</b> )          |
| 15.            | Final Rule--Chapter 22, Air Quality Permits   | Allan Stokes ( <b>Decision</b> )          |
| 16.            | Intended Use Plan - State Revolving Fund (drinking water)                           | Allan Stokes ( <b>Decision</b> )          |
| 17.            | 401/404 Permit Process  | Allan Stokes (Information)                |
| <del>18.</del> | <del>Petition for Rulemaking - Pocahontas County</del>                              | <del>Allan Stokes (<b>Decision</b>)</del> |
| 19.            | Referrals to the Attorney General<br>A) Gassman's Mobile Home Park (Dubuque)        | Allan Stokes ( <b>Decision</b> )          |
| 20.            | General Discussion  |   |
| 21.            | Address Items for Next Meeting  |   |

**Next  
Meeting  
Dates**

July 20, 1998

August 17, 1998

September 21, 1998

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, June 15, 1998

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
JANE McALLISTER	ATLERS LAW FIRM	DSM
Cathy Woollums	MidAmerican Energy	Davenport
Linda King	IDED	DSM
Dickholz	LFRS	DSM
Susan Heathcote	Iowa Environmental Council	DSM
DANNY VEST	GROWMARK, INC.	Bloomington, I.C.
Theresa Kehwe	IOWA Serrate	DSM
Rick Kelley	UHL	DSM
CHRIS GAULT	FARM BUREAU	DSM
Heleen F MAHLER	Senior Club	DSM
Linda Kruman	IOWA	DSM
Tim Fox	BROWN, WINICK	DSM

RECORD COPY: EPC  
File Name: ADM-1-1-1 Minutes  
Director's Initials: J. June 1998

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**JUNE 15, 1998**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**



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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 10:00 a.m. on Monday, June 15, 1998, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

William Ehm, Chair  
Rozanne King  
Dean McWilliams  
Charlotte Mohr, Secretary  
Kathryn Murphy  
Gary Priebe  
Terrance Townsend, Vice-Chair  
Rita Venner

### MEMBERS ABSENT

Randal Giannetto

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Delete: Item #18, Petition for Rulemaking - Pocahontas County

Director Wilson stated that Pocahontas County withdrew the Petition for Rulemaking. He related that the Commissioners received a letter from Ralph Christianson, and the department has prepared a response. He added that staff will discuss the department response during General Discussion.

*Motion was made by Rozanne King to approve the agenda as amended. Seconded by Kathryn Murphy. Motion carried unanimously.*

APPROVED AS AMENDED

### APPROVAL OF MINUTES

*Motion was made by Rozanne King to approve the meeting minutes of May 18, 1998 as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

## DIRECTOR'S REPORT

Larry Wilson, Director, stated that with the extreme amount of rainfall occurring in the state, Allan Stokes has sent a directive to the field offices to focus on providing technical assistance to city and county governments and individuals as necessary, particularly for special dispensation on disposal of flood debris.

Director Wilson stated that during General Discussion he would also like to discuss permitting status for livestock feeding operations and where the nine additional staff will be utilized.

Director Wilson noted that last week the 3rd Capitol Complex "Clean Out Your Files Day" was held and 3,748 cubic yards of landfill space was not taken up due to the paper that was collected. He added that it is 47 semi-trailers full of recycled paper which will save Iowa taxpayers approximately \$30,000 in landfill tipping fees.

Stan Kuhn introduced Sally Jagnandan, the new Bureau Chief of the Administrative Support Bureau.

## FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The monthly division level expenditure status report as of 5/30/97 will be provided to the Environmental Protection commission several days after the preparation and mailing of the June agenda. Preparation has been delayed several days due to the press of year-end fiscal tasks and vacation schedules. Staff will present a verbal overview at the meeting.

### Monthly Operations Budget Status Report 5/31/98

Budget Unit	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Director's Office/Info & Ed.	1,815,108	2,019,376	2,044,376	1,761,113	1,594,631	166,482
Administrative Services Div.	5,178,711	5,662,615	5,727,615	4,903,686	4,695,703	207,983
Parks, Rec. & Preserves Div.	9,169,083	9,196,141	9,517,728	7,938,627	7,946,755	(8,128)
Forests & Forestry Division	2,800,131	2,869,497	2,851,497	2,483,350	2,444,898	38,452
Energy & Geo. Res. Division	3,957,613	5,073,833	4,569,218	3,949,836	3,115,561	834,275
EPD Division	18,671,708	19,908,815	20,358,815	17,606,453	14,558,168	3,048,285
FW Division	19,950,233	20,761,728	20,863,640	18,061,847	17,731,376	330,471
Waste Mngt Assistance Div.	1,260,687	1,781,227	1,781,227	1,533,928	1,228,011	305,917
	62,803,274	67,273,232	67,714,116	58,238,840	53,315,103	4,923,737

**Director's Office/ Information & Education**

Budget Unit	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Director's Office & Commissions	326,942	266,371	306,371	265,746	274,106	(8,360)
Permit Compliance Team	71,068	191,045	191,045	167,175	132,539	34,636
REAP Program	64,296	14,500	39,500	39,500	43,218	(3,718)
Policy Coordination	38,338	95,555	55,555	48,415	28,928	19,487
Total Director's Office	500,644	567,471	592,471	520,836	478,791	42,045

**Information & Education Bureau**

I&E General Operations	434,053	435,044	435,044	377,601	380,932	(3,331)
Conservationist Magazine	334,421	386,552	386,552	319,843	253,089	66,754
Education Center Programs	179,350	192,924	192,924	166,641	150,448	16,193
Aquatic Education	225,247	278,537	278,537	238,526	235,503	3,023
Fish and Wildlife Information	31,625	15,458	15,458	13,504	19,162	(5,658)
Energy Information	42,564	72,674	72,674	62,728	40,316	22,412
Groundwater Education	0	23,044	23,044	20,131	0	20,131
319 Planning Information	41,853	39,672	39,672	34,582	6,416	28,166
Air Quality Title 5 Information	0	0	0	0	26,106	(26,106)
Education Workshops	3,868	8,000	8,000	6,720	187	6,533
Outdoor Learning	10,608	0	0	0	3,615	(3,615)
Project Wild Expansion	5,122	0	0	0	0	0
Hooked on Fishing	5,753	0	0	0	66	(66)
Total I & E Bureau	1,314,464	1,451,905	1,451,905	1,240,277	1,115,840	124,437
Total Director's Office/Info & Ed.	1,815,108	2,019,376	2,044,376	1,761,113	1,594,631	166,482

**Administrative Services Division**

Budget Unit	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Budgets and Grants Bureau	347,840	354,057	354,057	302,226	213,244	88,982
State Central Services & Indirect	100,908	266,458	121,458	95,092	96,823	(1,731)
Accounting Bureau	780,822	876,116	876,116	740,473	785,481	(45,008)
Administrative Services Bureau	1,375,216	1,499,918	1,499,918	1,284,035	1,201,196	82,839
Central Data Processing Bureau	577,241	770,991	810,991	676,806	611,300	65,506
Licensing Bureau	413,410	325,157	355,157	312,398	335,043	(22,645)
Construction Services Bureau	937,921	908,384	1,048,384	914,865	872,520	42,345
CSB-Park Road Design	75,096	55,212	55,212	48,233	65,494	(17,261)
Land Acquisition & Mngt Bureau	466,013	494,170	494,170	431,705	424,482	7,223
Division Mngt & Misc.	104,244	112,152	112,152	97,853	90,120	7,733
Special Training & Technology	50,307	0	0	0	0	0
Total Administrative Services Div.	5,178,711	5,662,615	5,727,615	4,903,686	4,695,703	207,983

**Parks, Recreation and Preserves Division**

Budget Unit	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Parks Field Management	279,179	206,405	218,405	188,639	225,520	(36,881)
NW District Parks Operations	1,887,414	1,944,884	2,087,404	1,743,299	1,737,150	6,149
NE District Parks Operations	1,895,053	1,843,567	1,916,634	1,590,847	1,585,396	5,451
SE District Parks Operations	2,188,662	2,176,025	2,223,025	1,838,162	1,839,626	(1,464)
SW District Parks Operations	1,949,955	1,963,125	2,010,125	1,663,633	1,683,625	(19,992)
Parks & Preserves Programs &	634,057	672,777	672,777	585,027	582,560	2,467
Endangered Species Grants	0	11,259	11,259	9,458	6,000	3,458
Preserves Grants	0	19,311	19,311	16,221	0	16,221
DED Parks Grants	24,411	27,167	27,167	23,696	28,425	(4,729)
Trail Development Grants	46,613	44,850	44,850	36,502	25,277	11,225
Cedar Rock	142,227	138,098	138,098	114,065	120,239	(6,174)
Division Management & Misc.	121,094	118,673	118,673	103,877	105,009	(1,132)
SRF Loan Repayment	418	30,000	30,000	25,200	7,928	17,272
Total Parks, Rec. & Preserves Div.	9,169,083	9,196,141	9,517,728	7,938,627	7,946,755	(8,128)

## Forests &amp; Forestry Division

Budget Unit	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Forest Nursery Production	520,144	560,071	530,071	454,814	483,038	(28,224)
Forest Nursery Services	94,849	96,444	96,444	83,913	79,536	4,377
Shimek Forest	211,443	235,266	235,266	206,141	184,455	21,686
Stephens Forest	164,483	188,023	190,023	166,633	152,645	13,988
Yellow River Forest	256,914	243,229	245,229	215,376	205,691	9,685
Loess Hills Forest	173,708	159,082	161,082	140,470	147,178	(6,708)
Nursery & Forests Management	133,151	140,954	142,954	124,487	125,730	(1,243)
Farm Forestry Services	757,125	797,161	801,161	700,333	666,553	33,780
Trees For Kids Video	7,778	0	0	0	9,096	(9,096)
Trees For Kids Project	40,352	30,000	30,000	25,200	19,204	5,996
Forestry Services Management	303,576	301,841	301,841	263,280	270,961	(7,681)
Division Management	116,230	117,426	117,426	102,703	100,811	1,892
Training & Technology	20,378	0	0	0	0	0
Total Forests & Forestry Division	2,800,131	2,869,497	2,851,497	2,483,350	2,444,898	38,452

## Energy &amp; Geological Resources Division

Budget Unit	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
<b>Energy Bureau:</b>						
Alternative Fuels	8,263	0	0	0	0	0
Biomass	53,425	89,807	89,807	77,845	71,869	5,976
SIFIC A	66,372	88,791	88,791	76,021	44,233	31,788
SIFIC B	89,377	67,296	67,296	58,712	56,949	1,763
SIFIC Innovation Project	91,505	101,250	101,250	88,343	73,440	14,903
ICP- Administration	10,320	0	0	0	0	0
ICP - Marketing	117,177	0	0	0	0	0
ICP - Programming	51,489	0	0	0	0	0
State Energy Program	440,763	648,766	648,766	565,591	477,465	88,126
Soya Diesel	17,118	106,369	46,369	39,614	21,883	17,731
Building Code, Energy	100,654	10,000	10,000	8,400	1,000	7,400
E-85 Promotion	20,001	0	0	0	0	0
Heating Oil & Propane Program	19,118	18,944	18,944	16,300	12,433	3,867
Energy Advancement	103,886	27,119	27,119	23,603	23,839	(236)
Greenhouse Gas	4,566	23,402	23,402	19,658	0	19,658
Greenhouse Gas #3	0	75,000	5,000	4,200	0	4,200
Federal Energy Bank	70	74,419	74,419	66,314	61,689	4,625
Great Lakes Ethanol Grant	72,097	0	0	0	0	0
Energy/Education Study	0	50,000	50,000	42,000	19,927	22,073
Ethanol Seminar, Council of Gov's.	3,801	21,891	21,891	18,454	21,843	(3,389)
Oil Overcharge - 3 Admin	194,807	297,839	297,839	258,185	182,665	75,520
EPA Risk Assessment Project	45,903	61,859	61,859	51,962	25,053	26,909
Rebuild Iowa	114,617	155,129	155,129	130,710	117,145	13,565
SEP Energy Code	0	6,442	0	0	6,442	(6,442)
Federal Energy Mngt Program	13,859	50,000	50,000	42,000	27,194	14,806
Commercial Wind Energy	0	230,000	60,000	50,000	38,003	11,997
Wind Assessment	3,767	4,072	4,072	3,488	1,343	2,145
SEP Climate Wise	0	50,000	50,000	42,000	23,000	19,000
Ethanol Market Research	40,691	92,970	92,970	78,095	53,280	24,815
Total Energy Bureau	1,683,646	2,351,365	2,044,923	1,761,493	1,360,695	400,798

Bureau Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
<b>Geology Bureau:</b>						
Camp Dodge GIS Support	0	24,006	0	0	0	0
Big Springs Modeling	1,658	0	0	0	0	0
Camp Dodge Wetland	17,501	11,450	11,450	9,688	2,986	6,702
Camp Dodge Mapping	27,490	55,967	15,000	13,100	9,364	3,736
Floyd Cty ADW Project	23,876	23,272	23,272	19,984	7,591	12,393
Wright Cty ADW Project	0	6,200	0	0	0	0
Wright Cty Water Quality	0	27,000	0	0	0	0
Geology/Mineral Resources	375,633	371,462	371,462	323,561	314,910	8,651
Digital Mapping	54,314	100,403	100,403	85,831	84,531	1,300
Wright Cty Monitoring	0	27,683	27,683	23,690	854	22,836
Hydrology/Environment	445,263	488,206	488,206	426,245	399,238	27,007

## Environmental Protection Commission Minutes

June 1998

State Mapping	56,018	22,973	22,973	19,706	19,710	(4)
Pesticide Mngt Project	26,391	41,464	41,464	35,650	16,110	19,540
Geology Information	227,751	238,673	238,673	208,614	202,648	5,966
Big Springs Project	80,138	12,269	12,269	10,637	22,865	(12,228)
Geographical Info System	159,246	221,247	221,247	193,385	111,092	82,293
319 Planning - 91	32,461	42,465	42,465	36,542	18,587	17,955
Wellhead #2	12,284	0	0	0	0	0
319 Planning - 93	118,950	215,546	115,546	99,002	96,985	2,017
Walnut Creek Restoration	82,396	210,490	210,490	180,559	71,815	108,744
Wellhead Protection, EPA	19,421	86,811	86,811	74,600	29,874	44,726
USGS Coop. Agreement	158,641	156,154	156,154	131,169	113,659	17,510
Geology Bureau Mngt	250,772	239,667	239,667	210,065	148,851	61,214
Total Geology Bureau	2,170,204	2,623,408	2,425,235	2,102,029	1,671,670	430,359
Special Technology Initiative	11,802	0	0	0	0	0
Energy & Geological Div Mngt	91,961	99,060	99,060	86,314	83,196	3,118
Total Energy & Geological	3,957,613	5,073,833	4,569,218	3,949,836	3,115,561	834,275

## Environmental Protection Division

Budget Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
<b>Water Quality Bureau:</b>						
Wastewater (NPDES) Mngt	604,082	700,467	700,467	607,951	571,019	36,932
Non-Point Pollution Conference	8,000	0	0	0	0	0
Storm Water Permitting	148,935	216,986	216,986	189,271	162,097	27,174
Livestock Permits (C. Office)	269,889	226,667	226,667	197,779	260,143	(62,364)
Construction Grants Mngt	12,196	0	0	0	0	0
State Revolving Grant Mngt	242,419	402,537	402,537	351,395	218,998	132,397
GW County Grants Mngt	67,941	59,210	59,210	50,820	50,621	199
Iowa River Project	7,011	0	0	0	0	0
Water Monitoring Workshop	0	2,900	2,900	2,436	1,812	624
GIS Locational Data					1,401	(1,401)
604B Water Planning	150,421	162,264	162,264	141,370	155,972	(14,602)
Floodplain Regulation & Mngt	296,866	309,073	309,073	269,604	287,518	(17,914)
319 Water Planning-90	19,968	0	0	0	0	0
319 Water Planning-91	64,972	55,000	55,000	48,100	25,109	22,991
319 Water Planning-92	97,163	80,000	100,000	84,000	81,364	2,636
319 Water Planning-93	136,236	175,000	175,000	147,000	101,007	45,993
319 Water Planning-94	381,140	250,000	270,000	226,800	208,919	17,881
319 Water Planning-95	520,493	540,064	540,064	462,266	361,179	101,087
319 Water Planning-96	81,698	101,201	451,201	379,019	395,012	(15,993)
319 Water Planning-97	0	50,000	110,000	92,400	124,170	(31,770)
Water Supply Regulation	867,561	1,334,817	1,334,817	1,153,038	767,188	385,850
Water Rights Administration	124,949	131,410	131,410	114,280	111,415	2,865
Operator Certification Support	14,273	98,589	98,589	83,107	33,906	49,201
Well Contractor Permits	23,140	42,310	42,310	36,976	28,581	8,395
Animal Study	17,222	0	0	0	0	0
Water Supply-93 Flood	407,004	50,000	50,000	42,000	12,000	30,000
Wastewater-93 Flood	102,657	0	0	0	0	0
Waste Allocation, Watersheds	65,399	0	0	0	0	0
Lab Certification	92,983	156,500	156,500	131,570	79,959	51,611
Stream Watershed Assessment	21,887	30,750	30,750	25,830	38,225	(12,395)
Coliform Study	36,878	0	0	0	0	0
Total Water Quality	4,883,383	5,175,745	5,625,745	4,837,014	4,077,615	759,399
<b>Air Quality Bureau:</b>						
Air Quality Regulation & Planning	1,320,174	1,868,931	1,868,931	1,616,339	1,490,654	125,685
Air PM 2.5 Monitoring					61,372	(61,372)
Title V, Permitting, Enforcement	5,518,591	4,729,996	4,729,996	4,076,115	2,893,203	1,182,912
Total Air Quality Bureau	6,838,765	6,598,927	6,598,927	5,692,454	4,445,229	1,247,225
<b>Land Quality Bureau:</b>						
Waste Management	514,322	634,806	634,806	551,447	469,904	81,543
Solid Waste Authorization	48,066	61,983	61,983	53,931	45,848	8,083
GW Professional Registration	26,157	60,993	60,993	51,872	18,076	33,796
UST	214,249	315,756	315,756	274,650	202,314	72,336
LUST Cleanup	588,873	786,139	786,139	685,675	478,594	207,081
Hazardous Waste Sitting	100,542	208,428	208,428	179,762	53,434	126,328
Remedial Activity	14,770	70,221	70,221	61,167	29,019	32,148

AIDEX Monitoring	5,252	6,600	6,600	5,578	0	5,578
Superfund Program Management	172,371	174,045	174,045	151,971	158,323	(6,352)
Multisite, Investigation & Assess.	93,484	55,553	55,553	48,052	108,706	(60,654)
General Motors Site Mngt	2,518	49,834	49,834	43,590	24,775	18,815
Waste Tire Permitting	5,798	1,000	1,000	874	1,161	(287)
Emergency Response	203,460	210,899	210,899	184,084	158,880	25,204
BrownFields Task Force	104	25,000	25,000	21,000	973	20,027
BrownFields Development	0	228,208	228,208	194,843	64,492	130,351
LUST Flood Support	305,374	100,000	100,000	84,000	0	84,000
Total Land Quality Bureau	2,295,340	2,989,465	2,989,465	2,592,496	1,814,499	777,997

**Legal & Compliance Bureau:**

LUST Cleanup	517,261	529,073	529,073	463,697	483,980	(20,283)
Air Quality-Field Const. & Mngt	0	163,792	163,792	142,828	114,241	28,587
Air Quality-Field Title 5	556,551	474,201	474,201	414,064	349,048	65,016
Wastewater-Field	1,265,477	1,456,572	1,456,572	1,263,074	1,189,661	73,413
Water Supply-Field	604,045	646,810	646,810	564,337	556,175	8,162
Waste Mngt-Groundwater	652,276	709,167	709,167	622,193	556,045	66,148
GW(106), Investigations, Surveys	128,665	0	0	0	0	0
Water Supply Technical Asst.	142,676	203,347	203,347	178,928	134,566	44,362
Livestock-Field	200,428	315,200	315,200	277,073	275,890	1,183
Legal/Compliance Mngt	414,960	451,493	451,493	388,606	375,034	13,572
Total Legal & Compliance Bureau:	4,482,339	4,949,655	4,949,655	4,314,800	4,034,640	280,160

EPD Division Mngt & Misc	171,881	195,023	195,023	169,690	186,185	(16,495)
Totals, EPD Division	18,671,708	19,908,815	20,358,815	17,606,453	14,558,168	3,048,285

**Fish and Wildlife Division**

Budget Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
<b>Law Enforcement:</b>						
NW Enforcement District	952,484	890,300	890,300	774,058	770,180	3,878
NW Enf. Boating Safety	0	24,632	24,632	20,791	23,696	(2,905)
NE Enforcement District	1,171,406	1,115,566	1,115,566	970,338	975,212	(4,874)
NE Enf. Boating Safety	0	16,500	16,500	14,160	12,442	1,718
SW Enforcement District	772,248	759,342	811,636	712,413	727,903	(15,490)
SW Enf. Boating Safety	0	36,800	36,800	33,512	23,448	10,064
SE Enforcement District	1,016,352	990,455	1,039,535	911,667	886,426	25,241
SE Enf. Boating Safety	0	18,500	18,500	15,540	9,216	6,324
NC Enforcement District	876,134	811,247	862,167	756,521	776,634	(20,113)
NC Enf. Boating Safety	0	27,001	27,001	23,311	12,490	10,821
SC Enforcement District	954,003	922,892	972,510	851,899	737,757	114,142
SC Enf. Boating Safety	0	27,370	27,370	23,991	155,192	(131,201)
Hunter Safety	391,814	358,749	358,749	307,613	357,601	(49,988)
Boating Safety	50,421	358,858	358,858	310,347	208,812	101,535
Snowmobile Safety	34,321	66,742	66,742	57,923	80,386	(22,463)
Big Creek Range Maint.	7,608	7,000	7,000	5,915	5,523	392
Cons. Law Bureau Mngt	508,464	448,401	348,401	300,544	208,124	92,420
Total Law Enforcement	6,735,255	6,880,355	6,982,267	6,090,544	5,971,042	119,502
<b>Fisheries:</b>						
<b>Hatcheries:</b>						
Big Springs Fish Hatchery	210,092	224,012	224,012	194,539	184,802	9,737
Decorah Fish Hatchery	264,824	259,025	259,025	224,745	221,586	3,159
Fairport Fish Hatchery	175,826	161,636	161,636	140,498	131,373	9,125
Manchester Fish Hatchery	245,034	259,334	259,334	225,320	222,524	2,796
Rathbun Fish Hatchery	529,805	508,707	508,707	442,756	411,488	31,268
Spirit Lake Fish Hatchery	375,265	373,893	373,893	325,435	309,229	16,206
Total Hatcheries	1,800,846	1,786,607	1,786,607	1,553,293	1,481,002	72,291
<b>Fisheries Management:</b>						
NW District	573,882	624,889	624,889	535,612	526,192	9,420
NE District	627,250	646,835	646,835	554,821	561,116	(6,295)
SW District	472,316	500,525	500,525	430,162	432,019	(1,857)
SE District	526,105	547,152	547,152	470,570	462,160	8,410
Total Fisheries Management	2,199,553	2,319,401	2,319,401	1,991,165	1,981,487	9,678
<b>Fisheries Research:</b>						
Mississippi Monitoring	293,663	340,224	340,224	291,155	285,386	5,769
Aquatic Education Project	117,742	98,576	98,576	86,087	109,935	(23,848)
Milfoil Project	91,159	100,454	100,454	84,735	63,820	20,915

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Bellevue Fisheries Research	165,970	176,243	176,243	151,100	149,244	1,856
Walleye Fingerling Project	5,000	0	0	0	0	0
Chariton Fisheries Research	260,256	261,182	261,182	224,664	239,645	(14,981)
Cold Springs Fisheries Research	127,595	125,568	125,568	107,684	109,738	(2,054)
Bozeman Project	5,781	5,000	5,000	4,200	0	4,200
Manchester Fisheries Research	120,913	128,448	128,448	110,585	107,721	2,864
Fish Production Drug Study	20,000	20,000	20,000	20,000	20,000	0
Rathbun Fisheries Research	145,374	167,375	167,375	142,832	126,685	16,147
Spirit Lake Fisheries Research	142,685	138,252	138,252	117,428	123,775	(6,347)
MARIS Study	0	10,000	10,000	8,400	0	8,400
Total Fisheries Research	1,496,138	1,571,322	1,571,322	1,348,871	1,335,949	12,922
Fisheries Bureau Mngt	462,734	522,887	522,887	446,904	415,397	31,507
Total Fisheries Bureau	5,959,271	6,200,217	6,200,217	5,340,232	5,213,835	126,397

## Wildlife Bureau:

Wildlife Area Maint. & Mngt:						
NW District Operations	1,064,883	1,073,625	1,073,625	924,207	952,041	(27,834)
NE District Operations	997,595	981,479	981,479	846,361	859,901	(13,540)
SW District Operations	1,022,495	1,022,862	1,022,862	888,234	892,610	(4,376)
SE District Operations	1,138,702	1,206,422	1,206,422	1,039,027	1,051,887	(12,860)
Wetlands Project Support	24,845	31,872	31,872	27,329	15,157	12,172
Wildlife Area Maint. & Mngt	4,248,520	4,316,260	4,316,260	3,725,158	3,771,596	(46,438)
Corps WMA Areas, Cond. 5:						
Saylorville Cond 5 WMA	53,064	35,444	35,444	30,590	42,584	(11,994)
DM River Cond 5 WMA	7,661	12,500	12,500	11,377	16,590	(5,213)
Missouri River Cond 5 WMA	0	4,000	4,000	3,360	0	3,360
Red Rock Cond 5 WMA	123,617	161,115	161,115	137,207	95,996	41,211
Coralville Cond 5 WMA	34,526	49,344	49,344	42,566	34,032	8,534
Rathbun Cond 5 WMA	31,576	28,994	28,994	24,857	34,297	(9,440)
Total Corps WMA Mngt	250,444	291,397	291,397	249,957	223,499	26,458
Total WMA Maint. & Mngt	4,498,964	4,607,657	4,607,657	3,975,116	3,995,095	(19,979)

## Wildlife Research:

Boone Research, State	133,860	189,912	189,912	163,578	116,090	47,488
Boone Research, Federal	107,132	130,043	130,043	111,534	97,818	13,716
Chariton Research, State	87,705	75,943	75,943	65,643	51,011	14,632
Chariton Research, Federal	142,046	152,566	152,566	131,598	115,734	15,864
Clear Lake Research, Federal	139,564	139,840	139,840	120,490	151,052	(30,562)
Neotropical Migrant	13,017	0	0	0	0	0
Clear Lake Research, State	98,941	81,749	81,749	74,999	72,091	2,908
Wildlife Diversity Project	201,777	249,505	249,505	214,399	201,400	12,999
Harvest Information Program Grant	0	0	0	0	9,633	(9,633)
Total Wildlife Research	924,042	1,019,558	1,019,558	882,241	814,829	67,412
Wildlife Depredation Mngt	0	172,466	172,466	152,531	109,499	43,032
Wildlife Bureau Mngt & Misc	1,476,832	1,405,378	1,405,378	1,215,295	1,282,753	(67,458)
Total Wildlife Bureau	6,899,838	7,205,059	7,205,059	6,225,183	6,202,176	23,007
FW Division Mngt & Misc	355,869	476,097	476,097	405,888	344,323	61,565
Total FW Division	19,950,233	20,761,728	20,863,640	18,061,847	17,731,376	330,471

## Waste Management Assistance Division

Budget Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Buy Recycled Business Alliance	0	1,500	1,500	0	0	0
Planning & Grants	138,409	225,863	225,863	193,271	149,390	43,881
Landfill Alternatives	117,871	159,941	159,941	138,021	106,370	31,651
Composting Workshop	13,000	0	0	0	0	0
Waste Mngt Publications	4,240	0	0	0	0	0
Waste Tires Program	38,449	50,188	50,188	44,037	39,684	4,353
Waste Recycling	143,092	252,386	252,386	217,592	211,885	5,707
Household Hazardous Waste Adm	224,322	345,299	345,299	294,806	186,040	108,766
Waste Reduction Assistance	98,623	141,870	141,870	123,832	110,288	13,544
WRAP Team	78,063	0	0	0	0	0
Pollution Prevention (WRAP)	47,414	294,192	294,192	253,891	167,785	86,106
Waste Reduction Program	139,848	30,653	30,653	25,749	12,943	12,806
Solid Waste Reduction Grant	2,553	0	0	0	4,633	(4,633)
Sustainable Conference	0	35,000	35,000	29,400	24,000	5,400

WMA Division Mngt	214,803	244,335	244,335	213,330	214,993	(1,663)
Waste Mngt Assistance Totals	1,260,687	1,781,227	1,781,227	1,533,928	1,228,011	305,917

Mr. Kuhn reviewed the division reports noting that nursery stock sales are running about \$60,000 ahead of estimates and the camping receipts have also been doing very well.

Brief discussion followed.

<b>INFORMATIONAL ONLY</b>
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## **FY 2000/2001 BUDGET REQUEST**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Each commission has a statutory responsibility to approve the DNR's budget request regarding their areas of jurisdiction. Additionally, the NRC has a responsibility to approve the DNR's update of the five-year capital improvement plan.

DNR staff will begin building the fiscal year 2000/2001 request in June. A preliminary staff recommendation will be presented to each commission at the August meetings, with final approval requested at the September meetings. By statute, the budget request as approved by the commissions is due at DOM on October 1.

DNR staff prepares the budget based on the agency's strategic plan, funding estimates, guidelines from DOM, anticipated federal support and input from commissioners and other stakeholders. It is important to receive this input early in the process so that it may receive due consideration. Mechanically, it is difficult to make significant changes to the request if direction is received after the middle of August.

Staff anticipates the budget request will reflect continuation of current department operations and programs. We anticipate program expansion by action of the 1998 General Assembly (recreational grants, lake restoration, park restoration and expanded environmental regulation) will be continued in the budget request.

Beyond that, we expect guidance from DOM which will direct agencies to hold the line on program expansion, and to seek opportunities for program reductions or efficiencies.

DOM has directed that the Budgeting for Results initiative be expanded to all programs in all agencies. This involves stating more clearly results to be expected from program expenditures, and linking agency programs to the Governor's State Policy Objectives.

A significant number of DNR programs are funded by revenues apart from the State's general fund. At this point, it does not appear that fee increases will be necessary to fund existing agency programs. In some areas, fund balances are accumulating in excess of current spending

levels. Chiefly, this involves stormwater fees, the Water Protection fund, Oil Overcharge accounts, the Red Rock condition 5 account, the federal 319 Water Planning program, as well as a number of smaller accounts. Staff will be reviewing these balances ensure their proper and prudent use within the next budget cycle.

The primary objective of DNR staff is to actively seek commission input regarding budget matters early in the process. This can take the form of additional program background desired; direction regarding specific program funding or request levels; or program increases or decreases. General direction by consensus is sufficient at this point. Formal action at this juncture is not needed.

Mr. Kuhn explained the projected budget request and the budget process. He pointed out that a letter from the Director went out with the agenda which provides an opportunity to the public for input to the budget. He asked the Commissioners to get their comments and concerns to him as early as possible.

Chairman Ehm noted that the Commission wanted better background information on the groundwater and surface water monitoring type programs, and ISU wound up with some money to do some of it this coming year. He related that it seems it should be coordinated through the DNR. He suggested that possibly some funds could be added to or shifted to monitor water quality more than what is currently being done.

Rozanne King referred to a study made by the Leopold Center 5-6 years ago and asked what basis/information they used to complete the study. She added that it would be interesting to compare what kind of basis they used for compilation of their information.

Director Wilson stated that he will see what he can find on the Leopold study.

<b>INFORMATIONAL ONLY</b>
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## **EMERGENCY RULE--CHAPTER 217, WASTE TIRE END-USER INCENTIVE PROGRAM**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the attached emergency rules for filing and adoption. These rules establish Ch. 217 "Waste Tire End-User Incentive Program," a program for the allocation of moneys to eligible end-users of waste tire products located within the state. The purpose of the program is to provide an incentive to increase the use of waste tire products and to add value to waste tire products that are processed within Iowa. The department has developed these rules pursuant to 1998 Iowa Acts, House File 2546, section 4.

The adoption of these rules would also effectively rescind the previously adopted Ch. 217 "Waste Tire Processors Incentive Program", which has provided up to \$20,000 annually to eligible waste tire processors, as an incentive to encourage processors to lower the rates at which they sell waste tire products.

Reallocating the annually available \$300,000 to end-users of processed waste tire products, rather than to waste tire processors themselves, will have a more significant impact on the processed waste tire product industry in Iowa. This change will encourage further development of waste tire markets in the state, as end-users may now receive a financial incentive to purchase waste tire products.

The rules for the implementation of this program address the following:

- Allocation of a total of \$300,000 annually, for fiscal years 1999-2002.
- End-users of processed waste tires must consume more than 250,000 tires annually in order to be eligible for funding through this program.
- End-users may receive up to ten cents per tire (\$10 per ton) for each processed waste tire that is consumed as a fuel supplement, recycled into another product, or other put to a beneficial use.
- A single end-user may receive no more than \$150,000 annually from within the program.
- If end-user consumption of processed waste tire products is greater than the amount of incentives available, end-users will be awarded funds proportionately based on the amount of waste tire products that they consume, recycle, or use.
- End-users seeking reimbursement through this program must submit a letter of intent to participate to the department. This letter must be received by the department no less than 30 days prior to the beginning of the fiscal year for which funds are to be requested.
- Approved end-users must submit a request for fund disbursement within 45 days of the end of any fiscal year quarter for which reimbursement is requested.
- Within 30 days of the department's notification of approval for a request for funds, the end-user shall complete a state claim voucher in order to receive payment.

Potential end-uses for processed waste tires that will be eligible for allocation of these funds will include the following:

- Tire-derived fuel (TDF) supplements for heat and energy production at power plants, cement kilns, and in industrial boilers;

- Civil engineering applications, including use of shredded tires as light-weight fill material for roadway sub-base and embankment constructions, as septic drainage materials, and in sanitary landfill leachate collection systems;
- Products manufactured from crumb rubber, including belts, hoses, mats, and compounds and sealants, recreational and outdoor surfacing materials, and soil amendment and turf enhancement products, and;
- Other processed waste tire products and beneficial uses as determined by the department.

The request to allow these rules to be made effective upon filing will provide a benefit to potential end-users or waste tires products, and will assist the department's efforts to develop additional markets for processed waste tire products.

**ENVIRONMENTAL PROTECTION COMMISSION [567]  
Adopted and Filed Emergency**

Pursuant to the authority of 1998 Iowa Acts, House File 2546, section 4., the Environmental Protection Commission hereby rescinds Chapter 217, "Waste Tire Processor Incentive Program," Iowa Administrative Code, and adopts in lieu thereof a new Chapter 217, "Waste Tire End-User Incentive Program," Iowa Administrative Code.

This notice rescinds the rules which provided the awarding of moneys to eligible waste tire processors, and replaces the rescinded rule with a new chapter which provides for the awarding of moneys to eligible end-users of waste tire products processed within Iowa, as an incentive to increase the use of processed waste tire products so as to facilitate the establishment of future markets for processed waste tires. This change is the result of waste tire management legislation in 1998 Iowa Acts, House File 2546.

In compliance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are impracticable because of the immediate need for rule change to implement new provisions of this law.

The Commission also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this amendment should be made effective upon filing, as if confers a benefit on potential end-users of processed waste tire products.

This rule was adopted by the Environmental Protection Commission on \_\_\_\_\_, 19

\_\_\_\_\_. This amendment shall become effective on June 26, 1998.

This amendment is intended to implement 1998 Iowa Acts, House File 2546.

The following amendment is adopted.

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Rescind 567--Chapter 217 and insert the following new chapter 217 in lieu thereof:

**CHAPTER 217  
WASTE TIRE END-USER INCENTIVE PROGRAM**

**567--217.1(455D) Goal.** The goal of this program is to provide a financial incentive to increase the use of processed waste tire products, so as to facilitate the establishment of future markets for processed waste tires.

**567--217.2(455D) Purpose.** The purpose of this chapter is to establish a waste tire end-users incentive program for the allocation of moneys to such end-users. This chapter establishes the guidelines that the department will use to determine eligible end-users and the procedures for the allocation of funding to such end-users.

**567--217.3(455D) Definitions.** As used in this chapter:

“Beneficial use” means the use or application of processed waste tires in a manner that provide a benefit to an end user, other than from processing, and which does not pose a threat to the environment, or to public health and safety. Use of processed waste tires primarily as means for land disposal shall not be considered a beneficial use.

“Department” means Iowa department of natural resources.

“End user” means an industry, utility, business, governmental agency or department, or individual that recycles, reuses, or consumes for energy recovery processed waste tires. A tire processor shall not be considered an end user.

“Passenger tire equivalent” means a conversion measurement used to estimate waste tire amounts from a total weight figure where one passenger car tire is equal to 20 pounds.

“Processing site” means a site which is used for the processing of waste tires and which is owned or operated by a tire processor who has a permit for the site.

“Site of end use” means a site where processed waste tires are recycled or reused in a beneficial manner authorized by the department.

“Tire processor” means a person who reduces waste tires into a processed form suitable for recycling or producing fuel for energy or heat. “Tire processor” does not mean a person who retreads tires or processes and stores tires.

“Waste management assistance division” means the waste management assistance division of the department of natural resources established by 455B.483.

“Waste tire” as defined in Iowa Code section 455D.11, means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. “Waste tire” does not include a nonpneumatic tire.

**567--217.4(455D) Role of the department of natural resources.** The department is responsible for the administration of funds awarded to end-users under these rules. The department will assure that funds disbursed meet guidelines established in Iowa Code section 455D.11F.

**567--217.5(455D) Funding source.** The department will use funds available from the waste tire management fund, authorized by Iowa Code section 455D.11C. Pursuant to Iowa Code section 455D.11F, \$300,000 in annual funding is provided from the waste tire management fund for the waste tire end-user incentive program beginning in fiscal year 1999 through fiscal year 2002. Funds shall be made available to eligible end-users as specified in rule 217.6(455D) on a quarterly basis.

**567--217.6(455D) Eligibility.** Any end-user as defined in rule 217.3(455D) may request funding through this program subject to the requirements of this chapter and the following conditions:

1. The end-user must be a facility, industry, or business located within Iowa, with the site or end-use of the processed waste tire products also located within Iowa..

2. The end-user shall annually consume or use the equivalent of more than 250,000 processed waste tires at a site of end-use, based on the passenger tire equivalency defined in rule 217.3(455D). End uses eligible for funding through this program include, but are not limited to, the following:

- a. tire-derived fuel consumption;
- b. use of shredded waste tires for leachate collection systems in permitted sanitary landfills;
- c. use of shredded tires for civil engineering applications for light weight fill in public roads, public road embankment structures, and other civil engineering projects as designed by an Iowa registered professional engineer;
- d. use of crumb rubber materials as a modifier in asphalt paving materials, as surfacing for recreational or athletic surfaces, as a soil amendment, or as incorporated into finished products, including but not limited to, belts, hoses, mats, rubberized compounds and sealants; and,
- e. other uses of processed waste tire products determined by the department to be a beneficial use.

Whole waste tires consumed or placed into a beneficial use, or whole waste tires that have been compressed and banded into a tire bundle or bale and then placed into a beneficial use by an end-user, shall not be eligible for funding through this program.

3. The end-user must not have a pending enforcement action from the department relating to Iowa Code sections 455D.11 through 455D.11H.

4. State board of regents institutions of higher education, as defined in Iowa Code section 262.7, which receive funding for the consumption of tire-derived fuel as authorized in Iowa Code section 455D.11F shall not be eligible for funding consideration through this chapter.

**567--217.7(455D) Allocation of funds.** The department shall determine the total amount of funding available for allocation to an end-user or end-use project during a fiscal year, based upon consideration of the following:

**217.7(1) Maximum allocation.** Eligible end-users may receive up to one hundred fifty thousand dollars from the waste tire management fund in a fiscal year, at a reimbursement rate equal to no more than fifty percent of the costs incurred or paid per ton by the end-user to receive the processed waste tire materials, with a maximum reimbursement of not more than ten cents per passenger tire equivalent processed and delivered to the site of end-user. The passenger tire equivalency ratio shall apply directly to the weight of the processed waste tire material received by the end-user, and shall not reflect any allowances for any non-recyclable portions of processed waste tires not included in the tonnage delivered to the end-user.

**217.7(2) Allocation requests in excess of funding availability.** An individual end-user's request for funds shall be compared to the total amount of annual program funding available. If the total amount of requests for funds exceeds the total amount of annual funds available,

funding allocations shall be made proportionately between end-users, based on the passenger tire equivalent number of processed waste tires received by an end-user or site of end use during the fiscal year for which funding has been requested.

**567--217.8(455D) Intent to participate.** Eligible end-users of processed waste tire products desiring to obtain cost reimbursement through the waste tire end-user incentive program shall submit a letter of intent to the department, which shall describe their intent to participate in the program, by June 1 prior to the beginning of the fiscal year for which funds are anticipated to be requested. The letter of intent shall provide the following information:

1. Address and location of the site of end use for the processed waste tires.
2. Estimated quantity of processed waste tire materials to be purchased, consumed or reused during the fiscal year as measured on a tonnage basis.
3. Estimated costs to be incurred or paid per ton by the end-user to receive the processed waste tire materials. The end-user shall obtain bid estimates or a contract for the purchase of processed waste tire products and this documentation shall be provided to the department. Procedures that the end-user follows to make contract award determinations shall also be described. If multiple bids or price estimates were obtained by the end-user, such bid and pricing information shall be included in the narrative submitted to the department.
4. A description of the proposed method of consumption, recycling, or re-use of the processed waste tire products.

**567--217.9(455D) Submittal of requests for funds.** Funds through the program shall be disbursed to end-users approved by the department. Funds shall be disbursed as reimbursement for approved expenditures on a quarterly fiscal year basis; ending dates of each quarter of a fiscal year are September 30, December 31, March 31, and June 30.

The department will issue reimbursement payments to the end-user only. In order to disburse funds an end-user must submit the following information within 45 days following the end of the fiscal year quarter for which reimbursement is requested:

1. Copies of statements, invoices, and tonnage receipts that clearly denote the quantity of processed waste tire products consumed, reused, or recycled by the end-user, and the cost incurred or paid per ton by the end-user to receive the product, during the past fiscal year quarter for which funds have been requested.
2. If not included on the statements, invoices, or tonnage receipts, evidence that the processed waste tire materials were obtained from an Iowa based waste tire processor, collector, or other documented source for waste tire materials.
3. Submittal of a correctly completed state claim voucher to the department.
4. Provide a narrative summary describing the type of end-use that the processed waste tires were incorporated into or consumed by.

**567--217.10(455D) Disbursement of funds.** Funds through the program shall be disbursed to end-users that have submitted a request for funds to the waste management assistance division, and have had such a request approved by the department. The department will disburse funds to the eligible end-user only. Within 30 days of an end-user's notification of approval of the request for funds by the department, the end-user shall submit a correctly completed state claim voucher to the department. Payment to the end-user will then be issued.

**567--217.11(455D) Funding denial.** An end-user may be denied funding through this program for any of the following reasons:

1. An end-user does not meet the definition of "end-user," as defined in rule 217.3(455D);
2. An end-user does not meet the eligibility requirements pursuant to rule 217.6(455D);
3. An end-user has a pending enforcement action issued by the department relating to Iowa Code sections 455D.11 through 455D.11H; or,
3. An end-user does not provide sufficient information as requested in rule 217.8 and 217.9(455D).

These rules are intended to implement Iowa Code section 455D.11F.

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Date

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Larry J. Wilson, Director

Ms. Stanley explained the rules which encourage the development of markets for waste tires. She related that the current rules have not accomplished enough processing/use of the waste tires available, adding that the department would like to match the number of tires being used with the number of tires available.

Rozanne King asked if these rules are a result of having visited with end-users to determine whether they would participate in this type of program.

Ms. Stanley affirmed that staff have talked to a number of end-users and to tire processors, adding that the tire processors felt it would help them to get more markets.

Discussion took place on the use of crumb rubber on school playgrounds, the differences in various tires and their end-use, and handling the rule by emergency adoption.

Chairman Ehm expressed concern with not having the public involved in the rulemaking process by going through emergency adoption.

Ms. Stanley explained that the department has already received a lot of feedback, in particular from the people who are likely to want to have input, and there probably would not be a lot of controversy about it.

*Motion was made by Charlotte Mohr to approve Emergency Rule--Chapter 217, Waste Tire End-User Incentive Program. Seconded by Dean McWilliams.*

Gary Priebe asked if the section requiring an end-user to consume more than 250,000 tires annually makes the big guy a bit bigger and eliminates the little guy.

Ms. Stanley stated that it is intended to assure there is enough use to make it worthwhile to go through the whole process.

Brief discussion was held on possibly eliminating the little guy, and the flip side of that being an incentive.

*Vote on Commissioner Mohr's motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PUBLIC PARTICIPATION**

### **Susan Heathcote (monitoring/water quality)**

Susan Heathcote, Iowa Environmental Council, distributed copies of a paper entitled "Surface and Groundwater Monitoring in Iowa," by IEC; various newspaper articles regarding water quality; a booklet entitled "Iowa Water Quality Action Plan," by IEC; and Iowa Environmental Council - Journal Vol. 4, No. 1. She thanked Larry Wilson for asking for input on the budget process for FY 2000-2001. She stated that one area that is crying for attention is water quality monitoring. Ms. Heathcote mentioned a one time appropriation that went to ISU for surface and groundwater studies, and discussed several similar bills that failed by only one vote. She noted that IEC met last week and one issue on top of their list was to seek funding for more water quality monitoring. She related that IEC, along with public interests, farmers, business leaders, etc., has put together a comprehensive plan with 12 goals to protect and enhance the water quality in the state. She expanded on details of that plan. She discussed the 1989 Groundwater Monitoring Strategy and reviewed the materials she distributed. Ms. Heathcote stated that in a survey they took last Fall, 65% of 400 Iowans felt more monitoring should be done on the condition of the water in Iowa. In conclusion, she stated that IEC will support the DNR in a monitoring program and feel a two million dollar commitment is needed as an ongoing commitment.

**INFORMATIONAL ONLY**

## **CONTRACT APPROVAL - DEVOE WASTE TIRE STOCKPILE ABATEMENT PROJECT**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

### **Project Description**

The Commission is requested to review and consider approval of the attached contract with Greenman Technologies of Minnesota, Inc. for the removal, processing, and recycling of a total

of over 250,000 waste tires located at four (4) stockpile locations in Chickasaw County. The contract amount is for a total of \$224,125, based upon the estimated tonnage of tires present.

The contract implements the goals of Iowa Administrative Code Chapter 218, "Waste Tire Stockpile Abatement Program," to abate waste tire stockpiles that pose a nuisance to the environment, or to public health, safety or welfare, through awarding of contracts by the department.

The Waste Management Assistance Division issued a request for proposal (RFP) in April of 1998 to solicit services from qualified firms for this stockpile abatement project.

### **Request for proposal process**

A total of six (6) bidders responded to the RFP:

- Environmental Tire Disposal - Memphis, TN
- Greenman Technologies of Minnesota - Savage, MN
- Tri-State Environmental - St. Louis, MO
- UT Tire Recyclers - Des Moines, IA
- Waste Tire Processors, Inc. - Charles City, IA

Waste Management Assistance Division staff reviewed each of the proposals. The selection process was constructed with a 100 point evaluation scale, with 40 possible points based on the price competitiveness of the bid, and 60 possible points determined from the bidders' qualifications, references, and evidence of valued-added end markets for all tires to be processed through the project. Scores received ranged between 42 to 78 points. A summary of review scores for all bidders is listed on the next page.

### **BIDDER REVIEW SCORE SUMMARY**

<b>Bidder</b>	<b>Price Per Ton</b>	<b>Method of Processing</b>	<b>End-Market</b>	<b>Score</b>
Greenman Technologies Savage, MN	\$89.65	Load whole tires, haul back to processing plant	Contracts and orders from Holnam Cement and Big Stone power plant for TDF	78
Waste Tire Processors, Mason City	\$69.90	Process tires on site, haul to Holnam cement	Holnam will accept TDF on "trial" basis, no set contract	63
UT Tire Des Moines	\$97.50	Load whole tires, haul back to processing plant	Contracts and orders from Holnam Cement and U of I for TDF	59
Tri-Rinse St. Louis, MO	\$125.35	Shred tires on site	ADM, Decatur, Illinois for TDF - general letter of acceptance by end-user	49

Environmental Tire Disposal Memphis, TN	\$90.00	Bale tires on site, ship by barge	Army Corps of Engineer permitted project to fill "scour" on Mississippi R.	42
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### **Selected Bidder**

Greenman Technologies of Minnesota received the highest review score (78 out of 100 points), and was selected as the recommended contractor for this project. Greenman Technologies Inc., is a licensed and bonded waste tire processing firm based in Savage, Minnesota. The Department recommends selection of this contractor based upon the following factors:

- The contractor has over 10 years of experience in the waste tire processing industry, recycling over 6 million waste tires per year (Iowa generates a total of 3 million annually).
- The contractor has successfully completed other stockpile abatement projects throughout the Midwest, and has extensive references from state agencies and private firms.
- The contractor has definitive contracts and purchase orders to supply Holnam Cement, Mason City, and OtterTail Power Company, Millbank, South Dakota, with tire-derived fuel (TDF) from the waste tires processed through this project.
- The contractor will remove all waste tires from the project site within a 90 day time frame. The contractor will not process the waste tires directly on site, as all waste tires will be loaded and transported directly to their processing facility in Savage, Minnesota.
- The contractor's bid of \$89.65 per ton (approximately \$.90 per tire) for removal was the second lowest bid received by the Department through the RFP (the lowest bid received was \$69.90 per ton, however, the firm submitting the bid did not have adequate experience or established markets to effectively handle this contract).

### **Stockpile selected for abatement activities**

The Department selected the DeVoe Stockpiles for abatement activities based on the following criteria:

- The four (4) sites contain a total of over 250,000 waste tires (over 150,000 are at one farmstead), and as such the project qualifies as an initial priority through administrative rules for the program.
- The sites have had significant publicity and public interest since the stockpiles were deposited in 1991-93.
- The Department and the Attorney General's Office have both prosecuted the responsible party through court proceedings. Although fines and penalties have been levied by the

courts against the responsible party, and court orders required the owner to gradually remove 100 waste tires per month, the fines are outstanding, and the court orders have not been complied with.

### **History of the Stockpiles**

- The waste tires contained at these sites were collected from within Minnesota, and were placed at the stockpile sites by a now defunct waste tire hauling/recycling firm, owned by a Mr. Hollis DeVoe, from Zumbrota, Minnesota.
- Mr. DeVoe contracted with local land owners to “temporarily” store waste tires on their properties, until such time that he could effectively handle processing the tires at his facility in Minnesota.
- The tires placed on these properties were effectively abandoned by Mr. DeVoe, and the site owners received no compensation as contracted or promised.
- The Iowa Attorney General’s Office has prosecuted Mr. DeVoe and has levied fines and penalties, however, Mr. DeVoe has claimed insolvency and has no known address.
- The Attorney General’s Office has not prosecuted or fined the individual land owners

The Department anticipates bringing additional contracts to the Commission for review and approval this summer.

(A copy of the contract is on file in the department’s Records Center)

Ms. Stanley noted that the largest stockpile covers approximately a 5-acre site and explained how the stockpiles came about. She related that the DeVoe stockpiles contain a total of 250,000 tires spread over four sites. Ms. Stanley reviewed the bids and related that staff are recommending Greenman Technologies to do the cleanup. She noted that the bidders had to show that they have a place to actually use the tires. She related that the department is pleased with the progress Greenman Technologies made at the site in Jefferson.

Chairman Ehm asked how this project compares, on a per-ton basis, with the Greene County project.

Ms. Stanley responded that it is more expensive, costing approximately 90-cents per tire.

Charlotte Mohr asked if a lien could be put against Mr. DeVoe’s property, adding that she feels these people should have some responsibility in these cases.

Ms. Stanley noted that there is a judgment against him.

*Motion was made by Kathryn Murphy to approve the contract with Greenman Technologies as presented for the DeVoe Waste Tire Stockpile Abatement Project. Seconded by Rozanne King. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM CONTRACT**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

During the December 1997, round of awards, the application submitted by Filter Recycling, Inc. was not recommended for funding at that time. The application, however, merited additional consideration. The Department requested additional information be submitted for review as part of this additional consideration.

The Department reviewed the additional information, met with the applicant on two occasions and is recommending approval of the attached contract. A discussion of the proposed project is provided below.

### **I. Project Description**

This project will allow Filter Recycling, Inc., a used oil filter processor in Cherokee, Iowa, to purchase, install and operate a continuous flow, high temperature, heat cleaning oven that extracts 100% of the oil and oil residue from used oil filters thereby producing a clean high quality scrap steel ready for market. The proposed project will increase Filter Recycling, Inc.'s used oil filter processing capacity from 2 million a year to approximately 20 million annually. This will allow Filter Recycling, Inc. to accept additional used oil filters generated in Iowa (currently 6.6 million a year) and expand marketing of their services to states surrounding Iowa.

This project will also result in a dramatic increase in recycling the residual oil in the filters. Although landfill disposal of used oil is currently banned in Iowa, used oil filters, even when properly punctured and drained as recommended by EPA, contain as much as an ounce of oil that is held in the paper filter medium. This residual oil poses a threat to Iowa's groundwater by leaching out when disposed of in a landfill or improperly disposed of elsewhere. The additional used oil filter recycling capacity gained through this project and through a comprehensive marketing strategy will reduce that risk considerably.

### **II. Benefits to the state**

This project expansion will greatly expand the processing capacity for used oil filters in Iowa resulting in more used oil and used oil filters being recycled instead of landfilled. This increase in capacity will result in a reduced cost for the proper management of used oil filters to the generator (commercial or Do-It-Yourselfer). Developing the infrastructure for processing used oil filters will also be key in providing for cost-effective filter processing should a landfill ban on used oil filters be enacted in Iowa in the future.

**III. Benefits to Filter Recycling, Inc.**

Filter Recycling, Inc. will have an increased processing capacity as well as increased potential for profit as a result of this project. The continuous flow, high temperature oven removes all oil and oil residue from the steel filters resulting in a clean scrap steel that commands a higher market price. Additionally, oil vapor generated by the cleaning process will be captured, condensed and marketed as a cutting oil providing an additional source of revenue. Air emissions will be reduced by capturing the oil vapor thereby reducing costly emission controls.

**IV. Award amount**

The total cost for the proposed project would be \$1,334,475 with a DNR cost share of \$400,000. The local match would be the remaining \$934,475. The DNR portion would be split between a grant in the amount of \$275,000 and a loan in the amount of \$125,000. This is summarized in the table below:

DNR Grant	\$275,000
DNR Loan	\$125,000
Local Match	\$934,975
Total Project Cost	\$1,334,975

At this time, the Commission is asked to approve this statewide waste oil filter recycling project contract

(A copy of the Scope of Work for this project is on file in the department's Records Center)

Ms. Stanley presented an overview of the project and recommended approval of same.

*Motion was made by Rita Venner to approve the Landfill Alternatives Financial Assistance Contract with Filter Recycling, Inc. Seconded by Dean McWilliams. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**MONTHLY REPORTS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

### RULEMAKING STATUS REPORT

June 1, 1998

PROPOSAL	NOTICE TO COMM	NOTICE PUBLISH	RULES REVIEW COMM	HEARING	FINAL SUMMARY TO COMM	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM	RULE EFFECTIVE
1. Ch. 20, 22 and 23 - AQ Case-by-Case MACT	5/18/98	*6/17/98	*7/6/98	*7/17/98	*8/17/98	*8/17/98	*9/9/98	*10/5/98	*10/14/98
2. Ch. 20, 22 and 23 - AQ Case-by-Case MACT	----- --	-----	----- --	EMERGENCY	5/18/98	5/18/98	*6/17/98	*7/06/98	*7/22/98
3. Ch. 22 - Air Quality Permits	2/16/98	3/11/98	4/13/98	4/10/98	6/15/98	*6/15/98	*7/15/98	*8/10/98	*8/19/98
4. Ch. 22 and 23 - NESHAPS Acid Rain Exemptions and Primary Aluminum Reduction Plants	5/18/98	*6/17/98	*7/6/98	*7/17/98	*8/17/98	*8/17/98	*9/9/98	*10/5/98	*10/14/98
5. Ch. 22, 23, and 25, Hospital, Medical and Infectious Waste Incinerators, and Municipal Waste Combustors	3/16/98	AMENDED *7/01/98 4/08/98	*8/10/98 5/04/98	*7/31/98 5/25/98	*9/21/98	*9/21/98	*10/21/98	*11/02/98	*11/25/98
6. Ch. 28 - Revised NAAQS	5/18/98	*6/17/98	*7/6/98	*7/17/98	*8/17/98	*8/17/98	*9/9/98	*10/5/98	*10/14/98
7. Ch. 92 - State Revolving Fund	1/20/98	2/11/98	3/09/98	3/03/98	4/20/98	4/20/98	5/20/98	6/09/98	*6/24/98
8. Ch. 103 - Solid Waste Rules	4/20/98	5/20/98	6/8/98	6/11/98	*7/13/98	*7/13/98	*8/12/98	*9/7/98	*9/16/98
9. Ch. 217 - Waste Tire End-User Incentive Program - EMERGENCY	-----	-----	-----	-----	6/15/98	*6/15/98	*7/15/98	*8/10/98	*6/26/98

### MONTHLY VARIANCE REPORT - MAY 1998

Item	Facility	Program	Subject	Decision	Date
1	ALCOA-Davenport	Air Quality	Permit Requirements	Approved	05/27/98
2	Helmuth County Store-Buchanan County	Air Quality	Structures	Denied	05/11/98
3	Omega Cabinets-Waterloo	Air Quality	Permit Requirements	Denied	05/02/98
4	Glidden, City of	Wastewater	Cleanouts	Approved	05/20/98
5	Marshalltown, City of	Wastewater	Directional Boring, Sewer Slope	Approved	05/20/98
6	Tom Renner-Hancock County	Agricultural	Site Separation	Denied	05/08/98
7	Waukee, City of	Wastewater	Reliability	Approved	05/01/98
8	Waukee, City of	Wastewater	Digester Aeration	Approved	05/13/98
9	Big Bear Creek Bridge-Iowa County	Flood Plain	Freeboard	Approved	05/01/98
10	Union Pacific Railroad	Flood Plain	Freeboard	Approved	05/19/98
11	Lake Mills, City of	Wastewater	Monitoring Frequency	Approved	05/27/98
12	Webster City, City of	Wastewater	Monitoring Frequency	Approved	01/29/98
13	Jackson County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	05/27/98

**Monthly Spill Report - May 1998**

From May 1, - May 31, 1998 135 reports of hazardous conditions were received.

Month	Total	Petroleum	Ag - Chem	Other	Handling	Pipeline	Hwy.	RR	Fire	Other
Oct.	70(52)	37(28)	17(10)	16(14)	28(31)	6(0)	28(13)	5(4)	0(0)	3(4)
Nov.	44(33)	25(18)	9(9)	10(6)	15(16)	3(0)	23(12)	2(2)	0(0)	1(3)
Dec.	52(33)	27(20)	19(3)	6(10)	21(16)	4(1)	22(12)	4(0)	0(1)	1(3)
Jan.	42(39)	32(28)	3(4)	7(7)	19(20)	2(1)	16(15)	1(2)	1(0)	3(1)
Feb.	48(54)	28(29)	5(7)	15(18)	24(29)	3(2)	13(20)	2(1)	1(2)	5(0)
Mar.	48(53)	27(37)	11(9)	10(7)	26(29)	0(0)	17(16)	2(4)	0(0)	3(4)
Apr.	60(64)	23(33)	23(25)	14(6)	25(28)	3(0)	25(30)	5(2)	(0)	2(4)
May	135(103)	58(35)	64(53)	13(15)	58(33)	3(2)	69(61)	2(4)	1(1)	2(2)

(numbers in parentheses for the same period in fiscal year '97)

Total Number of Incidents Per Field Office This Period:

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
26	23	16	12	33	25

**ENFORCEMENT REPORT UPDATE**

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Cerro Gordo County Board of Supervisors, Bowers Acres; Northco Acres (2)	Wastewater	Prohibited Discharge	Order	5/11/98
Farmington, City of (6)	Drinking Water	MCL - Nitrate	Order	5/11/98
Bill Schnormeier, Hardin Co. (2)	Animal Feeding Operation	Prohibited Discharge- Confinement; Water Quality Violations- General Criteria	Order	5/15/98
Bellevue, City of (1)	Wastewater	Discharge Limits	Order	5/15/98
Oscar Mayer Foods, Davenport (6)	Wastewater	Discharge Limits	Consent Order/Penalty \$1,000	5/20/98

## SUMMARY OF ADMINISTRATIVE PENALTIES

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Searsboro, City of	WW	2,500	11-08-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	2,000	3-11-96
David Kramer (Camanche)	UT	600	5-03-96
Latimer, City of	WS	150	5-03-96
Ainsworth, City of	WS	150	5-03-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Orrie's Supper Club, Inc. (Hudson)	WS	650	7-15-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	8-01-96
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96
Howard Victor and Wanda Victor (Des Moines)	UT	10,000	10-21-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Gassman's MHP & Spruce Harbor Inn (Dubuque)	WS	4,500	12-26-96
Mark Anderson d/b/a Westside Park for Mobile Homes;			
M A, Inc. (Burlington)	AQ/SW	1,000	1-03-97
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
J.F.V. Corporation; Frank Hawk; Sharon Hawk (Prole)	UT	600	2-19-97
Hofer's Danceland Ballroom (Walford)	WS	3,188	4-19-97
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,530	6-05-97
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000	7-29-97
Roy E. Hawkins (Newton)	SW	1,000	10-22-97
South Park Mobile Home Park (Iowa Falls)	WW	1,000	1-04-98
James LaFollette d/b/a Jim's Tree Service; Kurt			
Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
# Harold Unternahrer (Washington Co.)	AFO	3,000	4-06-98
*#John Adam (Keokuk Co.)	WW	2,500	4-15-98

## Environmental Protection Commission Minutes

June 1998

Webb, City of	WS	2,000	4-27-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
# Alan Rasmussen (Webster Co.)	WW	250	6-01-98
*#Leroy Wulf (Des Moines Co.)	WW	750	7-03-98
Deer Ridge Estates (Ottumwa)	WS	100	----
Charlie's Supper Club (Algona)	WS	100	----
# Chuck and Gayle VanVeldhuizen (Sioux Co.) CONSENT	AFO	500	----
Oscar Mayer Foods (Davenport)	AQ	1,000	----
<b>TOTAL</b>		<b>109,713</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
*R.V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
Carpenter Bar & Grill (Carpenter)	WS	725	9-27-96
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
<b>TOTAL</b>		<b>68,254</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500

Donald Udell (Plymouth Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	AQ/SW	2,000
Shell Rock Products, Inc. (Butler Co.)	AQ/SW	10,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Russell Stag (Muscatine Co.)	AQ/SW	2,000

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Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Dallas County Care Facility (Adel)	WW	2,500
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Site Services, Ltd. (Waterloo)	AQ	5,000
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Ron Rupe (Polk Co.)	SW	2,000
Richard L. Magdefrau (Washington Co.)	AQ/SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
Dakota Mobile Home Park (Oxford)	WW	2,550
Waste Mgmt. & Design; Monfort, Inc. (Des Moines)	SW/WW	10,000
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	4,000
Marvin Low d/b/a Low's DX (Toledo)	UT	10,000
Carroll, City of	WS	3,000
Todd L. Salow (Washington)	AQ/SW	5,000
Camp Golden Valley (Lockridge)	WW	5,700
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Craig Burgin (Indianola)	UT	600
Wayne Johnson (Rockford)	AQ/SW	1,000
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Delaware County Landfill, Inc.	SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Kruger Seed Co. (Dike)	AQ	3,000
Al DeCarlo Demolition Co. (Des Moines)	AQ	5,000
Ritchie Industries, Inc. (Conrad)	AQ	3,000
Bob Luke d/b/a D & R Tree Service (Washington)	AQ/SW	1,000
Country Pumpkin (Deloit)	WS	500
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500
Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Comm.	SW	10,000
Advanced Technologies Corp. (Waterloo)	AQ	7,500
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Stellar Industries, Inc. (Garner)	AQ	3,000
Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash (Merrill)	WW	5,000
Iowa Mold Tooling Co., Inc. (Garner)	AQ	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
Walnut Grove Water Company (Davenport)	WS	2,500
Big Ten Mart/Truck Stop (Lowden)	WS	2,500
North Central Cooperative (Clarion)	WW/HC	2,000
# Iowa Select Farms, L.P. (Hardin Co.)	WW	1,500

Troy Elevator, Inc. (Troy)	WW/HC	4,000
Iowa Realty Co., Inc.; Easter Lake Estates (Polk Co.)	WW	6,000
Milton, City of	SW/AQ	1,000
# Ronald Juergens (Carroll Co.)	WW	3,000
# Austin J. DeCoster (Nursery 8) (Wright Co.)	WW	1,000
# Iowa Select Farms, L.P. (Sow 8) (Wright Co.)	WW/HC	3,000
Sac City, City of	WW	4,000
Rockwell City, City of	WW	10,000
James Mills (Webb)	AQ/SW	3,000
Webb, City of	AQ/SW	3,000
Ira and Debby Cooley; Karen Sauer (Keokuk Co.)	AQ/SW	1,000
# Irvin Leichty (Henry Co.)	WW	3,000
Ed Engelbrecht d/b/a E & E Auto Salvage (Lee Co.)	AQ/SW	1,000
Enviro Safe Air, Inc. (Creston)	AQ	10,000
Pathway Christian School (Kalona)	WS	500
Pictured Rocks Methodist Camp (Monticello)	WS	700
Wiese Corporation (Perry)	AQ	5,000
Ben Haven Mobile Home Park	WS	5,500
<b>TOTAL</b>		<b>493,745</b>

The following administrative penalties were paid last month:

# Tom's Livestock Service (Mechanicsville)	AFO/HC	2,000
Hartley, City of	WW	1,000
*#Leroy Wulf (Des Moines Co.)	WW	250
Brian McKernan d/b/a Hickory Grove MHP (Story Co.)	WW	1,360
# Alan Rasmussen (Webster Co.)	WW	250
# Robert Butler (Laurens)	AFO	2,500
<b>TOTAL</b>		<b>7,360</b>

### ATTORNEY GENERAL REFERRALS

June 1, 1998

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Advanced Technologies Corp. Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred	6/20/97
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/ Penalty	Referred	5/29/96
Buringrud, Mark d/b/a Carpenter Bar and Grill Carpenter (2)	Drinking Water	Monitoring/ Reporting- Bacteria, Nitrate	Order/ Penalty	Referred	11/17/97
DeCoster, A.J. Wright Co. (2)	Waste	Prohibited	Referred to Attorney	Referred Petition Filed	7/17/95 1/23/96

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	water	Discharge	General	Hearing on Pre-Trial Motion	10/28/96
				Order Denying Defendant's Motion	11/06/96
				Order Granting State's Motion	11/21/96
				State's Motion to Compel	1/28/97-
				Hearing	2/06/97
				Order Granting State's Motion	2/11/97
				Trial	2/21/97
					3/05/97
				Closing Arguments	3/28/97
				Ruling (\$59,000/Civil)	9/05/97
				Defendant's Notice of Appeal	4/04/97
				Defendant's Brief Filed	9/05/97
				Defendant's Amended Brief Filed	9/24/97
				State's Brief Filed	1/12/98
				State's Amended Brief Filed	1/22/98
				Defendant's Reply Brief Filed	2/19/98
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DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Waste water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
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DeCoster, Austin J. Sow Unit #1 (2)	Waste water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed State's Motion to Change Venue State's Motion to Consolidate Order Granting Motions Amended & Substituted Petition Filed Defendant's Motion for Partial Summary Judgment State's Motion for Partial Summary Judgment Hearing on Defendant's Motion for Partial Summary Judgment Hearing on State's Motion for Partial Summary Judgment Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for Partial Summary Judgment Trial Ruling for State Defendant's Notice of Appeal	1/22/97 4/24/97 4/28/97 4/28/97 4/28/97 5/19/97 7/14/97 8/04/97 8/11/97 8/25/97 9/02/97 9/04/97 9/16-18/97 1/15/98 2/13/98
(CONTINUED) DeCoster, Austin J. Sow Unit #1 (2) (CONTINUED)					
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DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Waste water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
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DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Waste water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	8/18/97 3/20/98
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DeCoster, Austin J. Sow Unit #3 Hamilton Co. (2)	Waste water	Prohibited Discharge	Referred to Attorney General	Referred	12/15/97

Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96
Economy Solar Corp./Central Community School DeWitt (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/17/95 1/03/97 3/23/98
Farmers Companies, Inc. Poweshiek Co. (1)	Hybrid Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	3/16/98
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2)	Air Quality	Open Burning	Order Penalty	Referred	1/20/98
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/ Penalty	Referred Petition Filed Entry of Default	12/18/95 4/18/96 11/01/96
Hidden Valley Mobile Home Court Washington Co. (6)	Drinking Water	Monitoring/ Reporting - Lead and Copper	Order/- Penalty	Referred	1/20/98
Home Asbestos & Lead Abatement Services; Robert G. Condon West Des Moines (5)	Air Quality	Asbestos	Order/- Penalty	Referred	10/20/97
Huyser, James; Trust Trucking Lovilia (5)	Under- ground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Larson, Daryl Clinton Co. (6)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	10/20/97
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/ Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McKernan, Brian d/b/a Hickory Grove Mobile Home Park Roland (5) UPDATED	Waste- water	Discharge Limits; Monitoring & Reporting	Order/ Penalty	Referred Petition Filed Consent Decree (\$3,000/Civil & Injunction)	1/22/97 4/30/98 5/19/98

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Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred	12/15/97
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/ Reporting; Lead & Copper	Order/ Penalty	Referred	10/16/95
Owens & Owens Realty, Inc. Wilton (6)	Under- ground Tank	DNR Defendant	Defense	Petition Filed Answer Filed	3/29/96 4/19/96
Papetti's of Iowa Food Products, Inc. Taylor Co. (4)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	1/22/97
Postville Pork Postville (1)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	5/20/96 7/09/97 11/4/98
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/ Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Under- ground Tank	Insurance Violation	Order/ Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
R.V. Hopkins Davenport (6)	Air Quality	Emission Violations	Order/ Penalty	Referred	5/21/97
Schoenberr, R.B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/ Penalties	Referred	6/20/97
Stickle Farms, Inc. Linn Co. (1)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	4/21/97
Tire Tech Environmental Systems, Inc. Muscatine (6)	Solid Waste	Tire Processing Permit Violations	Referred to Attorney General	Referred	4/20/98
Tracy, Ronald d/b/a TRACE, Inc. Howard Co. (1)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Criminal Complaint Filed	11/17/97 11/26/97

Underwood, Paul d/b/a Underwood Excavating and Demolition Cedar Rapids (1)	Air Quality	Asbestos	Order/ Penalty	Referred Motion for Judgment	5/15/95 8/15/96
White, Robert Jeff Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/ Penalty	Referred	4/20/98
Williams, Dean d/b/a Williams Oil Co. Stuart (4)	Under ground Tank	Site Assessment	Order/ Penalty	Referred	10/20/97
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Under- ground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred	1/17/95 8/28/96 12/13/96 3/30/98

## CONTESTED CASES

Date Received	Name of Case	Action Appealed	Program	Assigned To	Status
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	New draft consent order issued to company
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	New draft consent order issued to company
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council	Admin. Order	SW	Kennedy	Permit issued. District court suit dismissed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues.
7-02-90	Keokuk Savings Bank and	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending
1-07-91	Joe E. Eggers, Jr.; Joe and	Admin.	SW	Kennedy	Hearing continued. Clean-up continuing
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin.	WS	Hansen	Settlement offer to WS. Counter offer
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin.	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin.	HC	Wornson	Settlement letter sent 8/31/94. SCR
5-05-92	Plymouth Cooperative Oil Co.	Admin.	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
6-23-92	Chickasaw County Board of	Admin.	SW	Kennedy	County to include closing in FY 1997
9-21-92	ITWC	Admin.	AQ	Preziosi	Settlement close. Negotiating penalty.
9-22-92	King's Terrace MHP	Admin.	WW	Hansen	8/94-Letter to facility regarding resolution of
11-16-92	Frank Hulshizer	Admin.	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93
4-05-93	Mapleton, City of	WW Operator	WW	Hansen	Under review by EPD. Appeal discussion
4-12-93	LeMars, City of	Admin.	WW	Hansen	Construction permit issued. Schedule
4-21-93	Donald Udell	Admin.	SW	Kennedy	Clean-up completed. Penalty settlement due.

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6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued. Meeting held.
7-06-93	Dennis E. Good	Admin. Order	UT	Wornson	Settlement close. Waiting on results from Tier 1 complete. Tier 2 initiated.
7-09-93	Oakwood Park Water, Inc.	Admin.	WS	Hansen	Construction permit issued 2/94. Facility to
7-20-93	Valley Restaurant/Sierp Oil;	Admin. Order	UT	Wornson	Tier 2 initiated.
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	8/12/97 - Appeal being reviewed in context
12-23-93	Waverly Gravel & Ready-Mix	Admin.	AQ	Preziosi	Negotiating penalty. Settlement close.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2-28-94	Coastal Mart - Davenport	Admin.	UT	Wornson	Deficient SCR. Letter sent. Penalty on
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal.
5-10-94	Dennis Malone; Joanne Malone	Admin.	UT	Wornson	Untimely appeal. Compliance 3/97.
5-27-94	Joseph L. Ranker; Daryl	Admin.	UT	Wornson	Tanks closed. Property sold. Buyer is Fund
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR
7-12-94	Tom Wiseman	Admin.	UT	Wornson	Appeal untimely. Follow-up letter sent. Fund
8-12-94	Karl and Thelma Boylan d/b/a	Admin.	UT	Wornson	Inability to pay. Failed to return required
8-29-94	B and B Tire and Oil	Admin.	UT	Wornson	SCR accepted. Letter sent offering penalty
9-01-94	Elmer R. Faust d/b/a Faust	Admin.	UT	Wornson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin.	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin.	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5	Admin.	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation
9-15-94	Bankston	Admin.	WS	Hansen	1/95 - Information from City. Compliance
9-16-94	Wunschel Oil Co.; Vernus	Admin.	UT	Wornson	Consent order. SCR received. Revisions to
9-26-94	James D. Foust	Admin.	SW	Kennedy	Hearing continued by ALJ because of
10-07-94	Titan Wheel International	Admin.	WW	Hansen	Revised BMR report submitted/reviewed by
10-19-94	Ronald Sizemore; Mark	Admin.	UT	Wornson	Inability to pay documented. County took
11-14-94	Tom Babinat d/b/a Tom's Car	Admin.	UT	Wornson	Inability to pay - requested documentation --
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response
1-11-95	Henry and Randy Krohn d/b/a	Admin.	AQ/SW	Kennedy	Settlement offer made. FO rejected offer.
1-13-95	James and Roxann Neneman	Admin.	UT	Wornson	Inability to pay. Forms sent. No response.
1-13-95	Simonsen Industries, Inc.	Admin.	WW	Hansen	2/28/95 - Submittal by facility's engineer
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96.
2-27-95	Sale-R-Villa Construction	Admin.	AQ	Preziosi	ALJ decision received. Admin. Order
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Consent order drafted.
4-13-95	The Weitz Corp.; Barton	Admin. Order	HC	Kennedy	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises;	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg	Admin.	HC/WW	Kennedy	Hearing continued. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-25-95	Fremont County SLF	Admin.	SW	Kennedy	Negotiating before filing.
5-30-95	Earth Media Technologies	Admin.	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-16-95	Pilot Oil Corporation	Admin.	WW/UT	Murphy	Compliance achieved; settlement offer made
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status
6-23-95	Leonard C. Page	Admin.	SW	Kennedy	Penalty settlement due 8/30/97.
7-03-95	Donald J. Foreman d/b/a D & R	Admin.	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin.	WW	Hansen	Informal meeting held for 6/7/96. Response
7-10-95	Donald Krieger	Admin.	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Admin.	UT	Wornson	SCR received - rejected. Review progress.
7-28-95	Harold T. Knott; James C.	Admin. Order	UT	Wornson	Compliance initiated. SCR under review.
8-01-95	Wilbur McNear d/b/a McNear	Admin.	UT	Wornson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Admin.	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.
8-24-95	Shell Rock Products, Inc.	Admin.	AQ/SW	Kennedy	Settlement offer due 8/1/96.
9-06-95	Kraft Foods Inc.; Oscar Mayer	Variance Denial	WW	Hansen	Follow-up letter requesting information sent
9-20-95	FKI Industries, Inc.; Fairfield	Admin. Order	WW/HC	Murphy	Negotiating before filing.

10-09-95	E.L. Incorporated	Admin.	SW	Kennedy	Appellant no longer accepting waste.
10-17-95	Tri-County Bank	Admin.	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin.	AQ	Preziosi	Hearing held 4/25/97. Decision received in
11-03-95	Jack Pinney Operations, Inc.	Admin.	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger, K & K	Admin.	AQ/SW	Kennedy	Clean-up progressing. Working with F.O.
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Admin.	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Wornson	Compliance initiated by Atlantic Bottling.
1-08-96	Westside Park for Mobile	Admin.	WW	Hansen	Past due monthly monitoring reports
1-11-96	Climax Molybdenum Company	Admin.	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin.	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter
1-22-96	Daryl Hollingsworth and Karen	Admin.	UT	Wornson	Tanks removed. Property sold.
1-25-96	Hidden Valley Mobile Home	Admin.	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's	Admin.	AQ/SW	Kennedy	Phone conference with attorney regarding
2-06-96	Russell Stagg	Admin.	AQ/SW	Kennedy	Negotiating before filing.
3-11-96	Dallas County Care Facility	Admin.	WW	Hansen	Facility inspected by FO. Now in
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from City's
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin.	WW	Hansen	3/25/96 Inspection by FO 6. Facility in
3-26-96	Louisa-Muscatine Community	Admin.	WS	Hansen	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin.	WW	Hansen	6/20/96 - informal meeting held. Facility to
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin.	AQ	Preziosi	Drafting consent order.
5-14-96	Gary Lee Walker	Admin.	AQ/SW	Kennedy	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Information received and reviewed by EPD.
5-29-96	Haasco, Ltd.	Admin.	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19	Admin. Order	WW	Clark	Proposed decision 11/25/96. Appealed to
6-10-96	DeCoster Farms of Iowa (5	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to
6-19-96	Appanoose Co. Sanitary	Permit Modification	SW	Kennedy	Hearing set for 6/29/98 - settlement pending.
6-25-96	Bernie Brauns d/b/a Brauns	Admin.	AQ/SW	Kennedy	Negotiating before filing.
7/17/96	Richard L. Magdefrau	Admin.	AQ/SW	Kennedy	Negotiating before filing.
8/01/96	DeCoster Farms of Iowa	Permit Denial	WW	Clark	Proposed decision 11/25/96. 12/27/96 -
8/01/96	DeCoster Farms of Iowa	Admin.	WW	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret	Admin.	UT	Wornson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a	Admin.	WW	Clark	Negotiating before filing.
8/23/96	Waste Management & Design	Admin.	WW/SW	Kennedy	Settlement pending.
8/30/96	Howard Victor & Wanda Victor	Admin.	UT	Wornson	Closed facility. Negotiating penalty.
9/04/96	Ag Processing, Inc./Sheldon	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa	Permit Revocation	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit Conditions	WW	Hansen	Negotiating before filing.
10/28/96	Holliman Ltd.	Admin.	SW/WW	Murphy	Settlement offer made 2/25/98.
11/01/96	Joseph Barragy and Tom	Admin.	AQ/SW	Kennedy	Negotiating before filing.
11/05/96	Marvin Low d/b/a Low's DX	Admin.	UT	Wornson	Tanks removed. Closure report submitted.
11/07/96	Todd L. Salow	Admin.	AQ/SW	Kennedy	Negotiating before filing.
11/08/96	Caseys General Stores, Inc.	Mean Time to	UT	Wornson	Settlement conference held 2/17/97.
11/08/96	Carroll, City of	Admin.	WS	Hansen	Returned to compliance.
11/25/96	Camp Golden Valley	Admin.	WW	Kennedy	Negotiating before filing.
12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	Proposed decision received 8/1/97;
12/05/96	Organic Technologies Corp. ---	Admin.	SW	Murphy	Proposed decision received 8/1/97;

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1/02/97/	Ruan Leasing Co., aka Ruan	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/28/97	Ralene Hawkins d/b/a R.J.	Admin.	SW/AQ	Kennedy	Clean-up complete. Negotiating penalty.
2/07/97	Craig Burgin	Admin.	UT	Wornson	Compliance complete. Negotiating penalty.
2/19/97	Cliff's Place, Inc.	Admin.	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin.	SW/AQ	Kennedy	Negotiating before filing.
3/20/97	Sylvan Acres	Admin.	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd	Admin.	SW/AQ	Kennedy	Negotiating before filing.
4/07/97	AGP, Inc. (Ag Processing, Inc.)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/10/97	Lehigh Portland Cement	PSD Permit Denial	AQ	Preziosi	Negotiating before filing.
5/07/97	Delaware County Landfill, Inc.	Admin.	SW	Kennedy	Negotiating before filing.
6/06/97	Carroll's Foods of the Midwest	Const. Permit Denial	WW	Clark	Negotiating before filing.
6/10/97	Kruger Seed Co.	Admin.	AQ	Preziosi	Negotiating before filing.
6/16/97	Ritchie Industries, Inc.	Admin.	AQ	Preziosi	Negotiating before filing.
6/17/97	Bob Luke d/b/a D & R Tree	Admin.	AQ/SW	Kennedy	Negotiating before filing.
6/30/97	Linwood Mining and Minerals	Admin. Order	AQ	Preziosi	Negotiating before filing.
7/22/97	CIPCO	Construction Permit	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R.	Admin.	SW	Kennedy	Negotiating before filing.
7/30/97	Country Pumpkin	Admin.	WS	Hansen	Negotiating before filing.
7/31/97	Advanced Technologies Corp.	Admin.	AQ	Preziosi	New case.
7/31/97	Brittany Estates Addition	Admin.	WS	Hansen	Hearing set for 6/9/98.
8/01/97	Dodger Enterprises Co., Tire	Admin. Order	SW	Kennedy	Hearing set for 4/23/9; 5/6/98.
8/05/97	Biovance Technologies	Admin.	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.;	Admin.	SW	Kennedy	Negotiating before filing.
8/15/97	Ralston Purina Co.	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/18/97	Stellar Industries Inc.	Admin.	AQ	Preziosi	Negotiating before filing.
8/25/97	Joyce Wagner; Bruce Manthe	Admin.	WW	Murphy	9/97 - Case on hold pending compliance.
9/17/97	Keokuk Steel Castings	Admin.	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	Admin.	AQ	Preziosi	Negotiating before filing.
9/26/97	Walnut Grove Water Co.	Admin.	WS	Hansen	Under review by WS section. Connection to
10/6/97	North Central Cooperative	Admin.	HC/WW	Murphy	3/98 - Site assessment proceeding.
10/6/97	Big-Ten Mart/Truck Stop	Admin.	WS	Murphy	Hearing set for 7/17/98
10/6/97	Holnam, Inc.	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/7/97	Ottumwa, City of	Variance Denial	WW	Hansen	Informal meeting held 11/13/97. City
10/17/97	Iowa Select Farms, L.P. (Gast	Admin.	WW	Clark	Hearing held 4/13/98.
10/22/97	Lehigh Portland Cement Co.	Admin. Order	AQ	Preziosi	Negotiating before filing.
11/19/97	Troy Elevator, Inc.	Admin.	WW/HC	Murphy	Negotiating before filing.
11/21/97	Iowa Realty - Easter Lake	Admin.	WW	Murphy	6/1/98 - Settlement close.
12/02/97	Dows, City of	Admin. Order	WW	Hansen	F.O. 2 inspection 3/98. To be set for hearing.
12/03/97	Milton, City of	Admin.	SW/AQ	Kennedy	Negotiating before filing.
12/08/97	Alan Rasmussen	Admin.	WW	Clark	Penalty installment received 5/1/98.
12/12/97	Donald E. Grell; Dodger	Notice of Intent to	SW	Kennedy	Hearing set for 4/23/98; 5/6/98.
12/22/97	Dave and Kristi Castenson;	Harcourt Variance	WW	Hansen	Hearing set for 7/20, 21/98.
12/30/97	Ronald Juergens	Admin.	WW	Murphy	Settlement offer 5/11/98.
1/07/98	Iowa Select Farms, L.P. (Sow	Admin.	WW/HC	Clark	Hearing held 4/9/98.
1/13/98	DeCoster Farms of Iowa	Admin.	WW	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp	NPDES Permit	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	Admin.	WW	Hansen	Status report received from city's consultant.
1/29/98	Ralston Purina Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/30/98	Rockwell City	Admin.	WW	Hansen	Meeting on 4/22/98 with city's engineer
2/13/98	Ed Engelbrecht d/b/a E & E	Admin.	AQ/SW	Kennedy	Negotiating before filing.
2/17/98	Irvin Leichty	Admin.	WW	Clark	Negotiating before filing.
2/19/98	Robert Butler	Admin.	AFO	Clark	Settlement letter sent 3/26/98. Penalty

2/24/98	Rinard, City of	Permit Conditions	WS	Hansen	Sent to DIA 4/16/98. Hearing set for
2/26/98	Ira Cooley, Debby Cooley and	Admin.	AQ/SW	Kennedy	Negotiating before filing.
2/27/98	James Mills	Admin.	AQ/SW	Preziosi	Negotiating before filing.
2/27/98	Webb, City of	Admin.	AQ/SW	Preziosi	Negotiating before filing.
3/05/98	Bluff Harbor Marina	Denial of Tag	UT	Wornson	Compliance initiated
3/06/98	Enviro Safe Air, Inc. (98-AQ-	Admin.	AQ	Preziosi	Negotiating before filing.
4/03/98	Pictured Rocks Methodist	Admin.	WS	Hansen	Negotiating before filing.
4/03/98	Cooperative Oil Company;	Admin. Order	UT/WW	Wornson	Compliance initiated.
4/23/98	North Liberty, City of	Admin. Order	WW	Hansen	Negotiating before filing.
4/27/98	Weise Corporation	Admin.	AQ	Preziosi	Negotiating before filing.
4/28/98	ALCOA	Permit Conditions	WW	Hansen	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	Admin.	WS	Hansen	New case. Chlorination system installed by

Mr. Stokes reviewed the routine monthly reports noting the following hearing dates for the rules adopting the standards for ozone and PM2.5: July 15, 1 p.m. at Davenport City Hall; July 16, 1 p.m. at Iowa Western Community College; and July 17, 2 p.m. at DNR Air West Office.

Mr. Stokes reported that the Administrative Rules Review Committee requested a special review of a rule that has been in place a number of years relative to property tax certifications for pollution control equipment that may relate to animal feeding operations. He related that the ARRC discussed those rules last week and staff explained to them that the rules have been around for two decades, preceeding the advent of modern generation of animal confinement rules and some of the concerns that have been raised recently. Staff also told them that a large number of the people who avail themselves of that tax certification are rather small, independent family farmers. The ARRC decided not to take any specific action relative to the rules but will refer the matter to a standing committee of the legislature when they return in January, to see if they want to reconsider any portions of that law.

Mr. Stokes noted that he distributed copies of the material from the recent Client Contact Group meeting to the Commissioner's workplace. Copies of an Air Dispersion Modeling Checklist were also distributed. He stated that the department recently received notice from EPA that they are rescinding their publishing notice and rescinding the one hour ozone standard for Iowa because the state has never had a problem and has never come close to the one hour standard.

Discussion followed regarding the one hour ozone standard for Iowa and what happened to Pisgah as far as ozone numbers.

Chairman Ehm commented that he had asked how long it takes to receive a livestock permit and the Director has provided a table listing permits issued this year.

Director Wilson distributed copies of a paper showing a table of livestock permits issued from 1/1/98 to 6/12/98 and the time frame for issuance of each permit. Mr. Stokes explained the table and permit process and noted that he would like to have the time frame down to between 30-60 days. He added that the permit issuance time should be under 60 days by the end of the month.

<b>INFORMATIONAL ONLY</b>
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**CONTRACT FOR VOLUNTARY STATE OPERATING PERMITS FOR AIR EMISSION SOURCES**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

On August 21, 1997, the Department entered into a two-year contract with Black & Veatch, a consulting firm based in the Kansas City area. The contract procured technical services for the review of voluntary operating permit applications and drafting voluntary operating permits for sources of air emissions. On May 4, 1998, Black & Veatch sent the Department a 60-day notice to terminate the contract.

Of the approximately 130 VOP applications received by the Department to date, it is estimated that nearly 40 of the application reviews will have been completed by Black & Veatch. Completion means either a permit will have been issued to the facility or the facility has withdrawn their VOP application.

The Department has initiated a request for proposals for new bids from contractors for the technical services required with the voluntary operating permit applications. On June 3, 1998 a Bidder's Conference was held to answer questions from prospective bidders. The Department anticipates requesting Commission approval to enter into a new contract at their July meeting.

Mr. Stokes reviewed the past contract and noted that staff have sent out RFP's for selection of a replacement for Black & Veatch. He related that a new contract will likely be brought for Commission approval next month.

<b>INFORMATIONAL ONLY</b>
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**INTERAGENCY AGREEMENT - LINN COUNTY AIR QUALITY PROGRAM**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve expenditure of funds for an interagency agreement between the Department and the Linn County Board of Health. This agreement covers ongoing implementation of the Linn County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

Under the agreement the Linn County Air Quality Division will continue reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting final Title V operating permits.

The agreement is for the period of July 1, 1998 through June 30, 1999. The agreement establishes four fixed equal payments from the air contaminant fund, totaling \$289,000, and a variable amount totaling \$7,200.

Mr. Stokes reviewed details of the agreement.

*Motion was made by Rozanne King to approve the Interagency Agreement for Linn County Air Quality Program. Seconded by Charlotte Mohr. Motion carried unanimously.*

APPROVED AS PRESENTED

### INTERAGENCY AGREEMENT - POLK COUNTY AIR QUALITY PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve expenditure of funds for an interagency agreement between the Department and the Polk County Board of Supervisors. This agreement covers ongoing implementation of the Polk County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

Under the agreement the Polk County Air Quality Division will continue reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting final Title V operating permits.

The agreement is for the period of July 1, 1998 through June 30, 1999. The agreement establishes four fixed equal payments from the air contaminant fund, totaling \$314,000, and a variable amount totaling \$7,200.

Mr. Stokes reviewed details of the agreement.

*Motion was made by Dean McWilliams to approve the Interagency Agreement for Polk County Air Quality Program. Seconded by Terrance Townsend.*

Kathryn Murphy asked if \$40,000 is a substantial increase.

Mr. Stokes replied that it is not substantial considering the expansion of the monitoring network.

*Vote on Commissioner McWilliams motion carried unanimously.*

APPROVED AS PRESENTED

**INTERAGENCY AGREEMENT - DEPARTMENT OF ECONOMIC DEVELOPMENT, SMALL BUSINESS LIAISON**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve expenditure of funds for an agreement with the Iowa Department of Economic Development, Small Business Liaison for Air Quality. The Small Business Liaison for Air Quality will provide small businesses with information and assistance regarding various air quality regulatory requirements, and financial and technical support. The position will also encourage small business involvement during regulation development and implementation, and receive and investigate complaints. This agreement stipulates the objectives and work schedule that the Small Business Liaison for Air Quality, Iowa Department of Economic Development, has agreed to fulfill during SFY 99, July 1, 1998, through June 30, 1999.

The Small Business Liaison for Air Quality was developed in response to the 1990 Clean Air Act Amendments mandate that each state government provide assistance to small businesses. The Small Business Liaison fulfills the ombudsman requirements pursuant to Section 507 of the 1990 Clean Air Act Amendments.

The agreement amount is \$81,226, which has increased from SFY 98 levels by \$226. The funding will be supported by funds from Title V fees.

Mr. Stokes explained details of the agreement.

*Motion was made by Rozanne King to approve the Interagency Agreement with Department of Economic Development for Small Business Liaison. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**INTERAGENCY AGREEMENT - UNIVERSITY OF IOWA (UHL) LABORATORY CERTIFICATION**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve expenditure of funds for an agreement with Agreement with the University of Iowa's Hygienic Laboratory (UHL) for Environmental Laboratory Certification services for SFY 1999. The agreement includes laboratory certification assistance for drinking water, wastewater and UST laboratory certification. In addition, the

proposed agreement calls for the development of a certification program for solid waste laboratory certification.

The amount of the agreement is estimated at \$200,000. The fees paid by laboratories are used to support 100% of the agreement.

Mr. Stokes reviewed details of the agreement noting that the amount was erroneously listed as \$200,000 and it should be \$135,000.

*Motion was made by Rita Venner to approve the Interagency Agreement with UHL for Laboratory Certification Services. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

## **FINAL RULE--CHAPTER 22, AIR QUALITY PERMITS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt amendments to Chapter 22, "Controlling Pollution". This rule will require applicants for air quality construction permits to certify they have legal access and right to use the property where they intend to locate and operate proposed air emission sources.

Two wording changes to the proposed rules were made when the Commission approved the Notice of Intended Action on February 16, 1998. These changes provided that proof of property entitlement would not be required for portable rock crushers and changed the wording from portable "cement" plants to "concrete" plants as a more accurate description of these plants. These changes were inadvertently not incorporated into Notice of Intended Action published in the Iowa Administrative Bulletin on March 11, 1998. Since the requested changes are to the advantage of regulated industries the Commission is asked to adopt the attached rules, which incorporate the previously approved language, without reopening the public comment period.

A public hearing was held on April 10, 1998, the final day of the 30-day public comment period. No oral comments were received. Three written comments were submitted. A summary of the comments and the Department's response is attached. Copies of written comments are available at the Air Quality Bureau offices.

These amendments would require including a signed statement of property entitlement in the permit application in place of requiring proof of entitlement as a result of the public comments.

**ENVIRONMENTAL PROTECTION COMMISSION [567]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby amends Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The purpose of this rule making is to require applicants for air quality construction permits to sign a statement that they have legal entitlement to use the property on which the applicant proposes to locate equipment covered by the permit. This requirement will not affect the application review time.

This rule will allow the Department to avoid utilizing resources evaluating air quality construction permit applications for equipment that may never be constructed because permit applicants do not have legal entitlement to use the property where they intend to locate sources covered under the permit application.

Item 1 adds a requirement that applicants for air quality construction permits sign a statement of legal entitlement to install and operate equipment, covered by the permit application, on the property identified in the permit application. As a result of public comments, this language is changed from the proposed rule that would have required applicants to provide proof of property entitlement in their permit applications.

Item 2 adds the provision that an application for an air quality construction permit may be denied for failure to provide a signed statement of legal entitlement to install and operate equipment, covered by the permit application, on the property identified in the permit application. As a result of public comments, this language is changed from the proposed rule that would have provided that an application for air quality construction permit may be denied for failure of applicants to provide proof of property entitlement in their permit applications.

Item 3 adds the provision that the Department may revoke an air quality construction permit if the permit holder loses legal entitlement to use the property identified in the permit to install and operate equipment covered by the permit. Additionally, this item provides for revocation of a permit if the property owner no longer wishes to continue the operation of the permitted equipment, or if the owner of the permitted equipment no longer wishes to retain the permit for future operation.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 11, 1998, as ARC 7881A. The public hearing was held on April 10, 1998. Three written comments were received. As a result of the public comments, changes to the proposed rule have been made. These changes are discussed in the item descriptions above.

Two wording changes to the proposed rules were made as a result of the Environmental Protection Commission meeting of February 16, 1998. These changes to Item 1 provided that proof of property entitlement would not be required for portable rock crushers and changed the wording from portable "cement" plants to "concrete" plants as a more accurate description of these plants. These changes, requested by the Commission, were inadvertently omitted from the Notice of Intended Action published in the Iowa Administrative Bulletin on March 11, 1998. Since the requested changes are to the advantage of the regulated industries, and the Department has no objections to the language, the Commission adopts the attached rules, which incorporate the previously approved language, without reopening the public comment period.

These amendments are not expected to impact small business.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are adopted.

ITEM 1. Amend subrule 22.1(3), paragraph "b," by amending subparagraphs (6) and (7) and adding a new subparagraph (8) as follows:

(6) Information pertaining to sampling port locations, scaffolding, power sources for operation of appropriate sampling instruments, and pertinent allied facilities for making tests to ascertain compliance; ~~and~~

(7) Any additional information deemed necessary by the department to determine compliance with or applicability of rules 22.4(455B) and 22.5(455B); and

(8) A signed statement that ensures the applicant's legal entitlement to install and operate equipment covered by the permit application on the property identified in the permit application. A signed statement shall not be required for portable concrete, rock crushers or asphalt equipment used in conjunction with specific identified construction projects which are intended to be located at a site only for the duration of the specific, identified construction project.

ITEM 2. Amend subrule 22.3(4) as follows:

22.3(4) Denial of a permit.

a. When an application for a construction or conditional permit is denied, the applicant shall be notified in writing of the reasons therefor. A denial shall be without prejudice to the right of the applicant to file a further application after revisions are made to meet the objections specified as reasons for the denial.

b. The department may deny an application based upon the applicant's failure to provide a signed statement of the applicant's legal entitlement to install and operate equipment covered by the permit application on the property identified in the permit application.

ITEM 3. Amend rule 567--22.3(455B) by adding the following new subrule:

22.3(7) "Revocation of a permit". The department may revoke a permit upon obtaining knowledge that a permit holder has lost legal entitlement to use the property identified in the permit to install and operate equipment covered by the permit, upon notice that the property owner does not wish to have continued the operation of the permitted equipment, or upon notice that the owner of the permitted equipment no longer wishes to retain the permit for future operation.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes reviewed the rules and comments received during the public comment period.

*Motion was made by Charlotte Mohr to approve Final Rule--Chapter 22, Air Quality Permits. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED
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**STATE REVOLVING FUND - INTENDED USE PLAN (DRINKING WATER)**

The Commission will be asked to give final approval of the State Revolving Fund Intended Use Plan for the State of Iowa, for fiscal year 1997-1998 revolving fund loan assistance for drinking water infrastructure improvements.

Section 1452 of the Safe Drinking Water Act (SDWA) authorizes the U.S. Environmental Protection Agency (EPA) to establish a State Revolving Loan Fund for drinking water-related projects to assist water systems to finance costs of infrastructure needs and maintain compliance with SDWA. Authorizing legislation to set up this fund in Iowa was approved in March, 1997, and Departmental rules became effective in January 1998.

The FY 1997-1998 Intended Use Plan includes a list of projects proposed to receive loan assistance through the state revolving fund with money available for the 1997-1998 combined capitalization grant funds. The IUP is the initial step in preparing a grant request for federal funds for the drinking water SRF.

The Department received 89 applications for the project priority list, and 20 are included on the list for assistance. A public hearing was held May 22, 1998 on the proposed project priority list. One written comment was received supporting the list as is.

(A copy of the IUP and Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes reviewed details of the IUP. He noted the plan is a bit different than the one that went out to public comment and he explained those differences.

<i>Motion was made by Rozanne King to approve Intended Use Plan - State Revolving Fund for drinking water. Seconded by Rita Venner. Following brief discussion the motion carried unanimously.</i>
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APPROVED AS PRESENTED
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**REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter

where disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Gassman's Mobile Home Park (Dubuque) - drinking water.

### **Gassman Mobile Home Park**

Mr. Murphy briefed the Commission on the history of this case involving drinking water violations.

Brief discussion followed.

*Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Kathryn Murphy. Motion carried unanimously.*

**REFERRED**

### **SECTION 401 WATER QUALITY CERTIFICATION PROGRAM**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department's Section 401 Water Quality Certification program will be discussed, as requested by the Commission at their April meeting. Section 401 certification is a state's certification that any discharge of dredged or fill material into the nation's waters authorized by a federally-issued permit will not violate state water quality standards.

Issues that will be covered include an overview of Sections 401 and 404 of the Clean Water Act, applicable state water quality standards, and the Department's procedures for issuing Section 401 Water Quality Certification.

Mr. Stokes stated that several items have come to the Commission's attention over the last several meetings relative to 401 and 404 permits and certification. He introduced Jack Riessen, Section Supervisor, Water Quality Section, and noted that he will make a presentation to the Commission on 401 and 404 programs.

Jack Riessen gave a slide presentation on Section 401 State Water Quality Certification Program covering the following topics: Clean Water Act of 1977 including 1972 amendments to the Federal Water Pollution Control Act of 1956; background - Circa 1970; State-Federal Partnership; Federal Government Policy Establishment; States carrying out the programs; Federal oversight; Section 401 Water Quality Certification; Statutory Provisions; EPA definition of waters and wetlands; CWA definition of "discharge"; Section 404 "discharge"; Section 10

“discharge”; FERC license “discharge”; Section 402 “discharge”; Section 404 Program permits and statutory provisions; Iowa’s water quality standards; CWA statutory provisions; Use designations; Examples of Numeric water quality standards and Narrative water quality standards; Antidegradation Standard provisions; Section 401 Process for permits, workload and issues.

In response to a question Mr. Riessen noted that before the COE can issue a 404 permit to an individual to do an activity, that person has to have a 401 Certification from the state. The COE cannot issue a 404 permit without 401 Certification.

Mr. Stokes noted that the Commission has recently heard concerns about water quality monitoring in Iowa and related that staff will give a similar type presentation on water quality monitoring at a future meeting.

<b>INFORMATIONAL ONLY</b>
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## **GENERAL DISCUSSION**

- Director Wilson distributed copies of the department’s response to a June 12 letter from Ralph Christenson, Pocahontas County Board of Supervisors, regarding the withdrawal of the Petition for Rulemaking. He related that any questions can be directed to Al Stokes or Mike Murphy.

Mike Murphy reported that he and Jack Riessen recently met with the Wright and Pocahontas County Boards of Supervisors regarding the Petition for Rulemaking and had a good discussion. He noted that the Fish & Wildlife staff have been working with the counties regarding mitigation alternatives. He related that he explained the department’s proposal in response to the petition and they were not fully satisfied with it but came away with a better understanding of where the department was coming from. They are moving toward resolving the mitigation issues and have decided to withdraw the petition. Mr. Murphy related that they would like the department to better define, what is, and what is not a water of the state, particularly as it relates to farmed wetlands. Also, they want to know how the state determines the required mitigation is if it is a farmed wetland.

A lengthy discussion took place regarding farmed wetlands, high quality wetlands, mitigation, and prior converted wetlands.

- Gary Priebe asked if the department now owns a tire pile at Fort Dodge.

Mr. Murphy noted that Mr. Grell filed a quit claim deed gifting it to the department, but staff are going to file a disclaimer.

- Dean McWilliams asked if there was any outcome from the legislature in declaring Loess Hills a National Park.

Director Wilson stated that the legislature did not approve any action on this matter. He also noted that the legislature appropriated \$500,000 for bluffland acquisition adjacent to the Mississippi and Missouri Rivers.

- Rita Venner asked if staff are going to discuss the livestock bill.

Director Wilson stated that Allan Stokes has formed a team to review the law and identify where rules will be required. Mr. Stokes stated that an internal team has been working on the bill to develop their own common understanding of it and determine what is required in the way of rulemaking. He related that they will now meet with the AACO committee to discuss same. He noted that he will give the Commission a brief sketch of the staff understanding of the bill next month.

Director Wilson stated that the nine additional staff approved by the legislature will be assigned as follows: 1 to Administrative Support Services; 2 to Energy & Geological Resources Division; and 6 to Environmental Protection Division. All nine will work on livestock related duties under this bill.

Discussion followed regarding the Commission's role in appeals how they want to handle permit appeals when they come before them.

## **NEXT MEETING DATES**

July 20, 1998


August 17, 1998

September 21, 1998


The Commission decided to have the September meeting in the Lake Rathbun area and hold a tour in conjunction with the meeting.

## **ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 2:30 p.m., Monday, June 15, 1998.

  
Larry J. Wilson, Director

  
William Ehm, Chair

  
Charlotte Mohr, Secretary

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